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HARVARD UNIVERSITY



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THE METROPOLITAN WATER BOARD

METROPOLITAN WATER BOARD

1880-1900

METROPOLITAN SEWERAGE BOARD

1880-1900

METROPOLITAN WATER AND SEWERAGE
BOARD

1880-1900



THE HISTORY OF THE METROPOLITAN WATER AND SEWERAGE BOARD
1880-1900







The Commonwealth of Massachusetts.

METROPOLITAN WATER BOARD.

LEGISLATION 1895-1900.

METROPOLITAN SEWERAGE BOARD.

LEGISLATION 1889-1900.

METROPOLITAN WATER AND SEWERAGE BOARD.

LEGISLATION 1901-1914.



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METROPOLITAN WATER BOARD.

LEGISLATION 1895-1900.

[Chapter 458 of the Acts of the Year 1895.]

AN ACT TO PROVIDE FOR A METROPOLITAN WATER SUPPLY.

Be it enacted, etc., as follows:

METROPOLITAN WATER BOARD.

SECTION 1. The governor, by and with the advice and consent of the council, shall appoint three water commissioners, who shall constitute the Metropolitan Water Board.¹ Said commissioners shall hold office, one for the term of five years, one for the term of four years and one for the term of three years, beginning with the first Monday in May in the year eighteen hundred and ninety-five; and in the year eighteen hundred and ninety-eight, and annually thereafter, the governor shall appoint, as aforesaid, one member of said board to hold office for the term of three years, beginning with the first Monday in May in the year of his appointment. The governor, with the consent of the council, may remove any member of said board, and may appoint for the residue of the term, in the same manner in which the original appointment was made, a commissioner to fill any vacancy occurring by removal, resignation or otherwise. One of said commissioners shall be always a citizen of Boston, one shall be always a citizen of one of the other cities or towns in the water district hereinafter described, and one shall be always a citizen of this Commonwealth. The chairman of said board shall receive a salary of five thousand dollars a year, and the other members a salary of four thousand five hundred dollars a year.

Governor
and council
may remove.

Residence
of commis-
sioners.

Compensation.

¹ Metropolitan Water Board is abolished, and Metropolitan Water and Sewerage Board created. Acts 1901, chap. 168.

OFFICERS AND ACCOUNTS.

Governor to
designate
chairman.

Board may
appoint and
remove
officers and
agents.

Accounts.

Report to the
legislature.

SECTION 2. The governor shall, as soon as may be after the appointment of said board, and annually thereafter on or before the first Monday of May, designate one of their number to serve as chairman for the ensuing year; said board shall from time to time appoint an engineer, secretary, and such other agents, officers, clerks and other employees as said board may deem necessary, shall determine the duties and compensation of such appointees,¹ and may remove the same at pleasure, and may employ counsel;² shall at all times keep full, accurate and separate accounts of the doings, receipts, expenditures, disbursements, assets and liabilities of said board, and include an abstract of the same in an annual report to the general court on or before the first Wednesday in January³ in each year, such report to be numbered as one of the series of public documents; and four thousand five hundred copies thereof to be printed annually.

METROPOLITAN WATER WORKS AND METROPOLITAN WATER DISTRICT.

Board to
construct and
maintain
water works.

Metropolitan
water district.

SECTION 3. Said board, acting for the Commonwealth, shall construct, maintain and operate a system of metropolitan water works⁴ substantially in accordance with the plans and recommendations of the state board of health, contained in their report to the legislature of the year eighteen hundred and ninety-five, and shall provide thereby a sufficient supply of pure water for the following named cities and towns, and the inhabitants thereof, to wit:—The cities of Boston, Chelsea, Everett, Malden, Medford, Newton and Somerville, and the towns of Belmont, Hyde

¹ Office hours are established. Acts 1903, chap. 229.

² Legal services required by State Boards are to be performed by the Attorney-General or under his direction. Acts 1896, chap. 490.

³ Time of making annual report changed. Acts 1906, chap. 235.

⁴ Metropolitan Water Board is authorized to construct the Clinton sewerage plant. Acts 1896, chap. 557.

Park, Melrose, Revere, Watertown and Winthrop, which cities and towns shall constitute the Metropolitan Water District; shall secure and protect the purity of said water; shall on application furnish water to any city or town aforesaid that at the time of application owns its water pipe system; shall on application admit any other city or town,¹ any part of which is within ten miles of the state house, into said water district, and furnish water to the same on the terms prescribed by this act for the cities and towns aforesaid, and on such payment of money as said board may determine; shall on application furnish water to any water company owning the water pipe system in any² town within said ten miles, on such water company assuming the assessments of the town, if any, and making such payment of money as said board may determine; and may from time to time furnish water³ to any other city, town⁴ or water company, on such payment of money as said board may determine.⁵ All payments of money aforesaid shall be distributed to the cities and towns in said district in proportion to the total amount of the annual assessments theretofore paid by them respectively.⁶

Said board shall furnish said water to the city, town or

To supply cities and towns within ten miles of state house.
May supply water companies in said district.
May supply other cities, towns and water companies.
Distribution of money.
Delivery of water.

¹ Quincy admitted into metropolitan water district June 24, 1897.

Nahant admitted into metropolitan water district Sept. 13, 1898.

Arlington admitted into metropolitan water district Jan. 31, 1899.

Stoneham may be admitted into metropolitan water district. Acts 1897, chap. 473.

Admitted May 23, 1901.

Wakefield may be admitted into the district. Acts 1902, chap. 488.

Lexington admitted into metropolitan water district Feb. 13, 1903.

Milton may be admitted into the district. Acts 1902, chap. 307. Admitted Mar. 10, 1903.

Swampscott may be admitted into metropolitan water district. Acts 1908, chap. 560. Admitted May 3, 1909.

² Board may furnish water to water companies in sections of cities and towns. Acts 1902, chap. 189.

³ Board may furnish water to Swampscott. Acts 1898, chap. 293.

Town of Winthrop may obtain water from Metropolitan Water Board. Acts 1898, chap. 295.

⁴ Cities and towns are first to acquire works of any water company therein. Acts 1898, chap. 392; Acts 1899, chap. 340; Acts 1907, chap. 349.

⁵ Money received for water outside district to be paid to sinking fund. Acts 1907, chap. 238.

⁶ Money received for admission to district to be applied to cost of connection and remainder to sinking fund. Acts 1906, chap. 404.

company, by delivering the same into a main water pipe, reservoir or tank of the city, town or company, under sufficient pressure for use without local pumping, unless delivered in some other manner by mutual agreement between the parties interested; and shall have the direction and control of the connections between the metropolitan and local systems. Said board may utilize the fall of water at any dam under their charge, and may thereby produce power or electricity, and may transmit such power or electricity by pipes, wires, or other suitable means, and sell the same, or the right to use such water, by written or other contract, to run for a term not exceeding fifteen years.¹ Any person or corporation authorized by said board shall have all the powers relating to the production, sale and transmission of power and electricity given by this act to said board.

May transmit and sell power or electricity.

May authorize persons and corporations to sell and transmit power and electricity.

May take south branch of Nashua river.

To furnish water for the use of Lancaster Mills.

To conform to request of owner of mills.

May take Sandy pond.

TAKING OF WATERS, REAL ESTATE AND WORKS OF BOSTON, MALDEN, MEDFORD AND MELROSE.

SECTION 4. Said board may take, by purchase or otherwise, the waters of the south branch of the Nashua river, at and above a point above the dam of the Lancaster Mills in the town of Clinton, but shall allow not less than twelve million gallons of water to flow from a reservoir above said dam in each week, and such further quantity, not exceeding twelve million gallons a week, as the owner of said mills shall from time to time certify to be necessary for use therein and in other buildings now or hereafter owned by him, for domestic or manufacturing purposes, other than the production of water power, and said board, in regulating the flow of said quantities, shall, as far as practicable, conform to any reasonable request in writing of the owner of said mills; said board may also take the waters of Sandy pond, so-called, in the town of

¹ Power plants authorized. Acts 1908, chap. 558; Acts 1914, chap. 601.

Clinton, and the waters which may flow into and from said pond or river, and the tributaries thereof above said point; may take such water rights as they deem necessary connected with said waters; said board shall forthwith, after taking the waters of said Nashua river, take by purchase or otherwise all real estate which will be submerged or flooded, or submerged to an increased depth, by the construction of the proposed reservoir on the Nashua river hereinafter provided for, and all parcels of real estate above the dam of said reservoir used for mill purposes and owned by the owner of any mill property of which any part will be submerged or flooded by the construction of said reservoir, including all the machinery used on such real estate and tenements for operatives; shall, on or before the first day of January in the year eighteen hundred and ninety-eight, take all the lands and all the ponds,¹ basins, reservoirs, filter beds, dams, aqueducts, conduits, pumping stations, pipes, pumps and other property held by the city of Boston for the purpose of supplying water or for the purpose of storing or of protecting or preserving the purity of the water, and situated westward of Chestnut Hill reservoir in said city and westward of the intersections of the main pipes to be laid from Chestnut Hill reservoir to Spot pond, with the main pipes which convey water from the Mystic distributing reservoir; also the pumping station at Chestnut Hill reservoir and lands under and surrounding the same, and the pipes and aqueduct leading thereto; also Spot pond, so-called, in or near the town of Stoneham, and the lands under and surrounding the same, now owned by the cities of Malden and Medford and the town of Melrose, or either of them, held for the purpose of water supply or of protecting or preserving the purity of the water, and the pumping stations and pumps thereon; any or all of the aforesaid lands to be taken in fee or otherwise, as said

To take real estate submerged or flooded on Nashua river, and machinery used on such real estate.
172 Mass. 289.

183 Mass. 267.
184 Mass.

To take lands, ponds, etc., west of Chestnut Hill reservoir.

To take pumping station at Chestnut Hill reservoir and land surrounding same.

To take Spot pond and land surrounding same and pumping stations thereon.

¹ Natick may take water from Lake Cochituate. Acts 1902, chap. 392.

May take other lands and property. board may determine. Said board may take any other lands in fee, easements, rights and other property that said board may deem necessary or desirable for carrying out the powers and duties conferred upon them by this act.
169 Mass. 417.

To record description of land taken.

Ponds, lands, etc., taken for the Commonwealth.

To record description of land entered upon for use, and purposes for which, and time to be used.

To notify owner of taking by eminent domain.
To furnish plan, etc., to owner on request.

Reservoir above dam at Lancaster Mills.

Shall construct reservoir at Southborough and carry out agreements.

TAKING BY RIGHT OF EMINENT DOMAIN.

SECTION 5. Said board, to take any property by right of eminent domain, shall sign and cause to be recorded in the registry of deeds for the county and district in which the property to be taken is situated, a statement containing a description thereof, as certain as is required in a common conveyance of land, and stating that the same is taken for the metropolitan water works; and upon such recording the ponds, works, lands, waters, easements, rights and other property described in said description shall be taken for the Commonwealth. Said board, upon entering upon any land for the purpose of using the same for carrying out any of the purposes of this act, shall sign and cause to be recorded in the registry aforesaid a statement containing a general description of the land and the purposes for which it is to be used, and the probable time for which the same is to be used, and after they have taken any property under the right of eminent domain shall notify the owner thereof, and on the request of the owner within three years after such taking shall, within thirty days after such request, furnish him with a plan or description in writing, of his land or other property so taken.

CONSTRUCTION OF RESERVOIRS AND INCIDENTAL WORKS.

SECTION 6. Said board shall forthwith, after taking the waters of said Nashua river, construct a storage reservoir upon said Nashua river above said dam of the Lancaster Mills; shall forthwith construct the reservoir in Southborough already partially constructed by the city of Boston, and the dams thereof, and assume and carry

out the agreement made by said city with the town of Southborough, and all contracts made by said city relating to the building of said reservoir; may construct other reservoirs, and may raise the level of any pond or reservoir under their charge. Said board may, as they deem desirable in constructing, or raising the level of, any pond or reservoir, raise or alter or discontinue parts of any railroad or public ways, and in case of a railroad shall make such raisings or alterations of the railroad, or construct upon existing or other locations, parts of the railroad to take the place of the parts so discontinued, as, and in such manner as, shall be mutually agreed upon by said water board and the board of directors of the railroad company; and if they cannot agree thereon then as, and in such manner as, shall be determined on the application of either party, in writing, by the board of railroad commissioners of this Commonwealth, who are hereby authorized and directed to adjudicate finally upon the same; and if said water board shall be of the opinion that the making of any such change of grade, alteration or construction requires that lands be taken therefor, said board shall, in the name of the Commonwealth, take such lands and convey the same to the railroad company to be thereafter held and used as the board of directors of such company may determine, and the railroad company may if it desires locate its lines over any lands so conveyed to it, and when said new lines of railroad are completed the railroad company may discontinue the operation of the portions of its existing lines for which the new lines are substituted, and may maintain and operate said new lines of railroad; and said water board shall build the dam of any pond or reservoir constructed, or whose level is raised, as aforesaid, and make the raisings or alterations of the public ways as aforesaid, and build in place of the parts of public ways discontinued, as aforesaid, such other reasonable and suitable ways, which shall thereafter be

May construct other reservoirs.

*May alter or discontinue parts of railroads or ways.
Railroad to be constructed as agreed upon.*

*If cannot agree, application to be made to railroad commissioners.
Railroad commissioners' adjudication to be final.*

May take lands and convey same to railroad company.

Railroad company may discontinue portions of existing lines and maintain and operate new lines.

Shall build ways in place of those discontinued.

Ways to be agreed upon by board and county commissioners.

If cannot agree, application to be made to highway commission.

To conform to requirements of boards of health in flooding burial grounds.

To connect pumping station at Chestnut Hill reservoir with main water pipes.

Contracts of Boston with Somerville, Chelsea and Everett shall be cancelled.

To connect Nashua river with reservoir at Southborough.

At least 1,000,000 gallons of water to be delivered each week day.

highways, as, and in such manner as, shall be mutually agreed upon by said water board and the county commissioners of the county in which such dam is to be built; or if they cannot agree thereon then as, and in such manner as, shall be determined on the application of said board, in writing, by the highway commission of this Commonwealth, which commission is hereby authorized and directed to adjudicate finally upon the same. Said water board, in flooding or otherwise affecting any burial ground, shall conform to any reasonable requirements relating thereto of the board of health of the city or town in which the same is situated.

DISTRIBUTION OF WATER FROM CHESTNUT HILL RESERVOIR.

SECTION 7. Said water board shall forthwith lay pipes to connect the pumping station at Chestnut Hill reservoir with the main water pipes through which water is now supplied to the cities of Somerville, Chelsea and Everett, and the Charlestown district of the city of Boston, and with Spot pond, and on the first day of January in the year eighteen hundred and ninety-eight the contracts of the city of Boston with the cities of Somerville, Chelsea and Everett, described in, and confirmed by, chapter three hundred and fifty-one of the acts of the year eighteen hundred and eighty-six, for a supply of water, shall be cancelled.¹ Said board shall also forthwith, after taking the waters of Nashua river as aforesaid, connect said river with the tributaries of said reservoir in Southborough.

DELIVERY OF WATER TO LANCASTER MILLS.

SECTION 8. Said board, until they shall have completed the dam of said proposed reservoir on the Nashua river, and rebuilt the dam of said Lancaster Mills, shall, unless otherwise agreed by said board and the owner of

¹ Petitions for damages for cancellation are to be consolidated with other damage petitions of said cities, and filed in Norfolk County. Acts 1898, chap. 306.

said mills, deliver each week day at, and at the level of, the present top of the dam of said mills at least one million gallons of the water of said river, unpolluted by any acts or doings of said board, conforming in the delivery of said quantity, so far as practicable, to any reasonable request in writing of the owner of said mills.

To conform
to request in
writing of
owner of
mills.

POWERS CONFERRED UPON BOARD.

SECTION 9. Said board in carrying out the powers and duties hereinbefore conferred upon them may construct and maintain buildings, machinery, roads, conduits and aqueducts; may lay and maintain pipes, drains and wires; may alter or change the grades or directions of any water course; may carry and conduct any aqueduct, conduit, pipe, drain or wire under or over any water course, or any railroad, street or other way, in such a manner as not unnecessarily to obstruct or impede travel thereon; may dig up any such road, street or way, and lay, maintain and repair aqueducts, conduits, pipes, wires and other works beneath the surface thereof, conforming to any reasonable regulations made by the mayor and aldermen of cities and the selectmen of towns, respectively, wherein such works are performed, and restoring, so far as practicable, any such road, street or way, to as good order and condition as the same was in when such digging was commenced; said board may enter upon and use the lands of others; may take down dams to such an extent as they may deem necessary for prosecuting their works, and shall rebuild such dams whenever the necessity for keeping them down ceases; shall use such lands and do all work relating to such dams, in a reasonable manner with regard to the interests of the owners thereof, and, so far as practicable, shall heed all reasonable requests made by such owners; and in general may do any other act or thing necessary or proper for carrying out the powers and duties conferred upon them by this act.

May construct
and maintain
buildings,
and lay and
maintain
pipes, etc.

May carry
aqueduct, etc.,
over water
courses, rail-
roads, streets
or ways.

May dig up
roads, and lay
pipes beneath
surface con-
forming to
regulations
of aldermen
and selectmen.

To restore
roads after
digging up
same.

May use lands
of others.

May take
down and
rebuild dams.

To heed re-
quests made
by owners of
lands and
dams.

In general to
do all things
necessary.

**OPERATION AND MAINTENANCE OF WORKS, CARE AND
CONTROL OF PONDS, RESERVOIRS, LANDS AND WATERS.**

To commence operation on or before January 1, 1898.

To keep works and reservoirs safe and have charge of same.

Commonwealth responsible for damages.

To have exclusive control of ponds and reservoirs.

May inspect works and fixtures in cities and towns supplied by board.

May determine amount of water used and wasted.

SECTION 10. Said board, on or before the first day of January in the year eighteen hundred and ninety-eight, shall commence the operation of the works taken by them from the city of Boston, and shall thereafter keep the same and all water works constructed by them, and all bridges which they may build across said reservoir upon the Nashua river, and (until they abandon the same by notice in writing to said city) said Chestnut Hill reservoir, safe, and shall have charge of, use, maintain and operate the same, and the Commonwealth shall exclusively be responsible for all damages caused thereby or by any defect or want of repair therein; said board shall have the exclusive right and control¹ over all ponds and reservoirs used by them in supplying water, and may order all persons to keep from entering in, upon or over, the waters² thereof and the lands³ of the Commonwealth, city or town, surrounding the same; may inspect the water works and fixtures in any city or town supplied wholly or in part from the works under their charge, and may take all proper measures to determine the amount of water used and wasted and to prevent the improper use or waste⁴ of water.

¹ Publication in newspaper or posting of sanitary rules and regulations is sufficient legal notice. Acts 1899, chap. 308.

² Rules and regulations of the Metropolitan Park Commission, in specially authorized cases, are not to take effect as to waters used for water supply purposes until approved in writing by water boards or officers having control of same. Acts 1900, chap. 340.

³ Board may make agreements with Metropolitan Park Commission, etc., for care and control of lands. Acts 1898, chap. 166.

Board may make agreements with Somerville for care and control of its lands within Somerville parkway. Acts 1899, chap. 195.

Newton is authorized to lay sewer in Reservoir Lane. Acts 1902, chap. 480.

⁴ Board is authorized to provide for measurement of water and to report upon waste of same. Acts 1902, chap. 391; Res. 1903, chap. 41.

Installation of meters ordered. Acts 1907, chap. 524. Amended. Acts 1909, chap. 177.

**AGREEMENTS BETWEEN BOARD AND CITIES, TOWNS AND
WATER COMPANIES; PURCHASE AND SALE OF PROPERTY.**

SECTION 11. Said board and any city, town or water company aforesaid, may agree with each other for the storing or pumping of water, or the furnishing of the same as aforesaid by either party to any city, town or company; and any such city, town or company may sell to said board, and said board may purchase any property of such city, town or company, whether taken by eminent domain or otherwise, that said board may deem desirable for use in furnishing, as aforesaid, water to any city, town or water company; and said board may sell¹ at public or private sale any property, real or personal, whether taken by eminent domain or otherwise, no longer needed for the water works under their charge, or may from time to time lease any property not then so needed.² The proceeds from the operations of said board shall be paid into the treasury of the Commonwealth.

Storing,
pumping or
furnishing
water.

City, town
or company
may sell
property to
board.

Board may
sell and lease
property.

Proceeds paid
into treasury
of the Com-
monwealth.

EXPENSES OF WORKS, DAMAGES AND POLICE PROTECTION.

SECTION 12. Said board shall incur such expenses as they deem necessary in constructing, operating and maintaining the water works under their charge; may agree with the party injured, upon the damages sustained by any city or town by the taking or use of its lands, ponds, reservoirs, water sources, aqueducts or other property, or the cancellation of contracts, as aforesaid; the damages sustained by the town of Clinton by any interference with its sewerage system or with its drainage rights or privileges; the damages sustained by any person or railroad or other corporation in property by any taking of property or by any change of grade, alteration or discontinuance of any railroad or public way, or by the construction or

Board shall
incur expense.

May agree
upon amount
of damages.

Damages of
town of
Clinton.

Damages of
persons or
corporations
by taking of
property,
change of
grade, etc.

¹ Board may exchange real estate and easements. Acts 1898, chap. 464.

² Amended by Acts 1909, chap. 473.

maintenance of any reservoir or other work, or by the interference with the use of any water, or by any other act or thing done by said board under this act; shall save harmless the several cities and towns within which any road, street or way is dug up as aforesaid, against all damages for injuries resulting from a defect or want of repair in any road, street or way, caused by such digging up, or by constructing, laying, maintaining or repairing any aqueduct, conduit, pipe, wire or other works therein, and shall furnish without charge to all towns within which any work is done under authority of this act such additional police protection as may be necessary in consequence thereof: *provided*, said board shall have due and reasonable notice of the claims for such damages and opportunity to make a legal defence thereto.

Shall save cities and towns harmless against damages resulting from defect in ways caused by digging up same or laying pipes, etc., thereon.

Shall furnish police protection to towns.

**Proviso.
Board to have notice of claims and opportunity to defend same.**

If cannot agree upon amount of damages, jury may be had if applied for within two years.

Application to be filed in office of clerk of superior court.
182 Mass. 196.

After notice, damages to be determined by jury.

PETITIONS FOR DAMAGES IN SUPERIOR COURT.

SECTION 13. Said board, city,¹ town, person or corporation, if they cannot agree upon any damages, sustained as aforesaid, may, except in the cases in which payment is otherwise provided for in this act, within two years after the day of the taking of any land, water, easements or other property, or of the use of any property, or of the making of any change of grade, alteration, discontinuance, or location of a way or railroad, or of the doing of any other act or thing causing the damage, file in the office of the clerk of the superior court for the county in which the property taken,¹ used or affected in value by such taking or other act of said board is situated, a petition, signed by the petitioner or the attorney of the petitioner, for a jury to determine such damages, and thereupon, after such notice as said court shall order, the damages so sustained shall be determined by a jury in said court, in the same manner as damages for lands taken

¹ Where property of city or town taken is in more than one county, all petitions for damages are to be consolidated and entered in Norfolk County. Acts 1899, chap. 306.

for highways are determined. In determining any damages caused by any change of grade or discontinuance of a public way or railroad, or the substitution of a part of a public way or railroad for another part, there shall be taken into account any benefit to the party injured received from this act and anything done thereunder. Interest shall be included in such damages from the date of the taking, or the doing of the act or thing causing the damages, and costs shall be taxed and execution issued as in civil cases, against the Commonwealth in case the petitioner prevails, and against the petitioner in case he does not prevail. Damages for the temporary use of or injury to property may, on the request of the petitioner, be assessed by monthly payments, to be continued so long as the property is used.

Benefit to be taken into account in determining damages.

Interest shall be allowed from date of taking, etc., and costs to be taxed.

Damages for temporary use may be assessed by monthly payments.

PETITIONS FOR DAMAGES IN SUPREME COURT.

SECTION 14. Said board, upon the application of the owner of any real estate taken for said proposed reservoir upon the Nashua river, or the owner of any real estate entered upon and used, or of any real estate injured by the taking of the waters of said Nashua river, whether said real estate is within or without the Commonwealth, or of any real estate not taken but directly or indirectly decreased in value by this act or the doings of said board thereunder, situated in the town of West Boylston or in that part of the town of Boylston on the northerly side of said proposed reservoir, or in that part of the town of Clinton on either side of River or Grove streets, between the dam of said proposed reservoir and a line drawn from the northerly corner of Oak and Boylston streets to the northerly corner of said Grove and Nashua streets,¹ and not owned on the first day of April in the year eighteen hundred and ninety-five, by the owner of the Lancaster Mills, may agree with such owner upon the damages to

Board may agree with owners of certain real estate not owned, April 1, 1895, by the owner of the Lancaster Mills, as to damages, etc.

¹ Real estate in part of Sterling is included. Acts 1897, chap. 445.

If they can-
not agree,
petition may
be brought
within two
years in su-
preme judicial
court for
county of
Worcester.

After notice
and hearing
court to
appoint com-
mission of
three persons.
Court may fill
vacancies in
commissions.

Commissions
shall deter-
mine damages,
specified in
petitions.

Interest may
be included
in damages.

be paid for such taking, injury or decrease in value, and if said board and the owner of any such real estate cannot agree upon such damages, such owner may, within two years after the first¹ taking of water, or of land for said reservoir, under the right of eminent domain, file in the clerk's office of the supreme judicial court for the county of Worcester, in term time or vacation, a petition for the determination of such damages, and thereupon said court, after notice by publication in some newspaper published in the county of Worcester, and in such other manner as the court may order, that all persons entitled to file such petitions will be heard by said court on a day therein named, and a hearing thereon; shall from time to time appoint one or more commissions, each consisting of three disinterested persons, and may after notice and hearing fill any vacancy occurring in any such commission until all petitions referred to it have been heard and determined. Each of said commissions shall, after notice and hearing, determine the damages specified in all such petitions as may be filed as aforesaid and referred to it by said court; and if the owner of any such real estate, no part of which is taken but which is decreased in value, shall in the petition aforesaid signify his willingness to surrender² the real estate, or if there is a mill thereon, the real estate and machinery thereon, to the Commonwealth, the commission shall also determine the value of such real estate, or real estate and machinery, and interest may be included in such damages and in such value at such rate and for such time as the commission may deem just and equitable. Said commissions shall determine

¹ Time for filing petitions under this section and amendments is extended to two years from date of taking in case of lands taken and in all other cases to July 1, 1901. Acts 1899, chap. 342.

Time is further extended to July 1, 1904. Acts 1901, chap. 498. To July 1, 1905. Acts 1904, chap. 186.

Time for filing petitions for damages for taking of water rights without land is to be within two years from date of taking. Acts 1900, chap. 108.

² Offers of surrender may be filed on or before July 1, 1901. Acts 1900, chap. 108.

Time is extended to July 1, 1904. Acts 1901, chap. 498. To July 1, 1905. Acts 1904, chap. 186.

the damage to and value of real estate, machinery and business, and from time to time report their determinations on the petitions of such owners to said court. In case any individual or firm owning on the first day of April in the year eighteen hundred and ninety-five an established business on land in the town of West Boylston,¹ whether the same shall be taken or not under this act, or the heirs or personal representatives of such individual or firm, shall deem that such business is decreased in value by the carrying out of this act, whether by loss of custom or otherwise, and unable to agree with said board as to the amount of damages to be paid for such injury, such damages shall be determined and paid in the manner hereinbefore provided.² The words "real estate" as used in this section shall include water rights, and in the case of mills all machinery thereon.

Commissions
to report to
said court.

Established
business in
West Boylston
if decreased
in value shall
have damages
determined.

178 Mass. 287.
180 Mass. 579.
182 Mass. 190.
182 Mass. 245.
183 Mass. 378.
184 Mass.

Real estate to
include water
rights and
machinery.

PAYMENT OF DAMAGES AND APPEALS.

SECTION 15. Said board shall, upon agreeing upon any damages, or upon the acceptance by said court of any determination specified in the preceding section notify the owner that they will pay the damages, or, in case the petitioner offers to make surrender, if they so prefer, they will pay the value so agreed upon or determined, and if any such owner shall in accordance with such notice and within one year after being so notified, deliver a release of such damages or a deed of the real estate, to and satisfactory to, said water board, said water board shall certify to the treasurer of the Commonwealth the amount to be paid such owner, and said treasurer shall pay the same from the proceeds of the bonds hereinafter provided for. Said water board, or any persons whose property is taken under the right of eminent domain, or entered upon or

Board to
notify owner
that they will
pay damages
or value
agreed upon
or determined.

If owner
releases
damages or
gives deed
within one
year he shall
be paid from
treasury of
Common-
wealth.

If board or
owner dis-
satisfied with

¹ Owners of established business in Sterling are included. Acts 1897, chap. 445.

Owners of established business in Boylston are included. Acts 1898, chap. 551.

Owners of established business in Clinton are included. Acts 1901, chap. 505.

² Employees in West Boylston may file bill in equity for damages. Acts 1896, chap. 460.

*award of
commission,
may claim
trial by jury.*

*182 Mass. 245.
188 Mass. 878.*

injured by the taking of said water, if dissatisfied with any determination of damages made by any commission, may at the term on which such determination is filed in court, or at the succeeding term, claim a trial by jury to determine such damages, and thereupon the damages shall be determined by a jury in said supreme judicial court as provided in section thirteen of this act.

PAYMENTS TO BOSTON, BOYLSTON AND WEST BOYLSTON.

*Boston to be
reimbursed
for moneys
paid in con-
nection with
basins not
yet built.*

*Boylston to be
paid \$2,000
a year.*

*West Boylston
to be paid
\$12,000 a
year.*

*No tax or
other pay-
ment to be
made.*

*Negotiable
bonds to be
issued not
exceeding
\$27,000,000.*

SECTION 16. The treasurer of the Commonwealth shall, from the proceeds of the bonds hereinafter provided for, reimburse the city of Boston for all moneys paid or that may hereafter be paid by said city for land damages, or otherwise, in connection with the location, building or maintenance of reservoirs or basins not yet built, or for lands taken for the preservation or protection of the purity of the waters of any reservoirs, or basins or of the tributaries thereof, and shall pay as part of the expenses of said metropolitan water works to the town of Boylston the sum of two ¹ thousand dollars a year and to the town of West Boylston the sum of twelve thousand dollars a year for the year of and each year succeeding said taking of the waters of said Nashua river,² so long as each of said towns remains a municipality, and shall pay no tax or other payment to either of said towns on account of any property held by said water board for the purposes of a water supply.³

METROPOLITAN WATER LOAN.

SECTION 17. The treasurer and receiver general shall, from time to time, on the request of said board, issue negotiable bonds in the name and behalf of the Common-

¹ Annual payment to Boylston is increased to \$3,000. Acts 1896, chap. 436.

² Provision is made for temporary payments, and for payments on account of land outside the reservoir, in lieu of taxes. Acts 1897, chap. 467.

³ Annual payments are to be made to Sterling. Acts 1897, chap. 445.

Annual payments are to be made to Ashland. Acts 1899, chap. 480.

Annual payments are to be made to Hopkinton. Acts 1901, chap. 516.

Annual payments are to be made to Holden. Acts 1906, chap. 533.

wealth, and under its seal, to an amount not exceeding twenty-seven million dollars, designated on the face thereof, Metropolitan Water Loan. Said bonds shall be deemed a pledge of the faith and credit of the Commonwealth, shall be countersigned by the governor; shall have the principal and interest made payable thereon, in gold coin of the United States of America or its equivalent; shall bear interest payable semi-annually on the first days of January and July of each year; shall be registered, or with interest coupons attached; shall be payable within such terms not less than thirty nor more than forty years, and shall bear such rates of interest not exceeding four per cent. per annum, and be issued and disposed of in such amounts and in such modes and at such times and prices as the treasurer and receiver general, with the approval of the governor, shall from time to time determine. Said treasurer shall, on issuing any of said bonds, establish a sinking fund and determine the amount to be paid thereto each year, sufficient with its accumulations to extinguish the debt at maturity.

Principal and
interest pay-
able in gold
coin.

Payable in
not less than
thirty nor
more than
forty years
from date.

Interest not
to exceed
four per
cent.

Sinking fund
to be estab-
lished.

PAYMENTS BY STATE TREASURER, ADVANCEMENTS TO DISBURSING OFFICER.

SECTION 18. Said treasurer shall apply the proceeds from the sales of property ¹ made as hereinbefore provided, and the proceeds from the sales of said bonds, exclusive of the amounts received from premiums, to the payments for the property taken by said board, the payment of the damages aforesaid, and the payment of the expenses of construction of said water works, and the other payments specified in this act, and shall apply any premiums received from sales of said bonds,² any assessments herein-after provided for paid by the cities and towns, and the proceeds from the operations of said board, exclusive of

Application
of proceeds
from sales
of property
and bonds.

Applications
of amounts
received from
premiums
and assess-
ments.

¹ Money received from exchange of real estate and easements is to be applied to payments for property, damages and construction expenses. Acts 1896, chap. 464.

² Premiums from sale of bonds to be paid into sinking fund. Acts 1906, chap. 337.

the proceeds from sales of property, to the payment of the interest, sinking fund requirements and expenses of maintenance and operation of said water works, and shall take the balance required for said payments, if any, from the proceeds of said bonds, and shall apply the surplus, if any, to the payment of said interest, sinking fund requirements and expenses, for the following year. Said treasurer shall advance to such person as shall have been designated by said water board and shall have given a bond with sufficient sureties, to be approved by the auditor of the Commonwealth, in the sum of ten thousand dollars, such sums, not exceeding ten thousand dollars¹

**Application
of surplus.**

\$10,000 to
be advanced
to person
designated
by board.

at any time, as said auditor may certify to be necessary to enable said board to make direct payment upon the pay rolls and other accounts of said board, and such persons shall, as soon as may be after expending any sum so advanced, and in all cases within thirty days from the receipt of any such sum, file with the auditor a statement in detail of the moneys expended subsequent to the last previous accounting, approved by said water board, and where it is practicable to obtain them, also file receipts or other like vouchers of the persons to whom the payments have been made.

**Detailed
statement of
moneys ex-
pended to be
filed, also
receipts and
vouchers of
persons re-
ceiving same.**

**Treasurer to
estimate
annually
amount
required for
maintenance,
interest, etc.,
and apportion
same in pro-
portion to
valuation and
population.**

ESTIMATE AND APPORTIONMENT OF ANNUAL EXPENSES.

SECTION 19. Said treasurer shall in each year estimate the amount, in addition to the premiums from sales of said bonds and the proceeds from the operations of said board, exclusive of the proceeds from sales of property, required during the year to pay the interest, sinking fund requirements, expenses of maintenance and operation of said water works, and shall apportion² to the city of Boston the proportion of such amount that the valuation

¹ Amount increased to \$20,000. Acts 1901, chap. 513.

² Method of assessment changed for all municipalities except Boston. Acts 1904, chap. 426.

Method of assessment for Boston changed. Acts 1906, chap. 457.

of said city for the preceding year bears to the total of all such valuations of all cities and towns in said water district: *provided, however,* there shall be included only one sixth¹ of the total valuation of any such city and town which has not reached the safe capacity of its present sources of supply in a dry year, as determined by said water board and certified to said treasurer, and has not made application to said board for water, and the remainder to the other cities and towns in said district, one third in proportion to their respective valuations and the remaining two thirds in proportion to their respective populations, including however only one sixth of the total valuation and one sixth of the total population of any such city and town which has not reached the safe capacity of its sources or of the sources of supply of the water company by which a town is supplied, or has not made application for water as aforesaid; and *provided, further,* that any city or town assessed upon its full valuation and population, which furnishes a part of its water supply from its own works or receives a supply from a water company, shall be allowed and credited in its apportionment with a sum equal to twelve dollars² for each million gallons of water furnished as aforesaid, as determined by said water board and certified to said treasurer, [and *provided, further,* that no such amount shall be so apportioned until the year eighteen hundred and ninety-eight, and in said year only the amount of three hundred thousand dollars shall be apportioned, and the sums of money expended by the state board of health under chapter four hundred and fifty-nine of the acts of the year eighteen hundred and ninety-three and chapter four of the resolves of the year eighteen hundred and ninety-five, and in the succeeding years the said amount

One sixth
only of valua-
tion and
population in
certain cities
and towns.

Cities and
towns as-
sessed upon
full valuation
and popula-
tion furnish-
ing part of
water supply
to be allowed
certain sums.

First apor-
tionment to
be made in
1898.

¹ Method of assessment changed for all municipalities except Boston. Acts 1904, chap. 426.

Method of assessment for Boston changed. Acts 1906, chap. 457.

² Amount increased to not less than \$24. Acts 1913, chap. 423.

of three hundred thousand dollars and two hundred thousand dollars additional for each year thereafter shall be so apportioned until the entire amount required as aforesaid is reached, and thereafter such entire amount shall be so apportioned.]¹ Said treasurer shall in each year notify each city and town of the amount of its assessment, and the same shall be paid by the city or town into the treasury of the Commonwealth at the time required for the payment and as part of its state tax.

CONTROL AND DISTRIBUTION OF WATER BY CITIES AND TOWNS.

Cities and towns to be notified of assessments.
To be paid as part of state tax.

Water boards, etc., of cities and towns to have charge of works not taken by board.

Not to exceed appropriations by city or town.

Water rates to be determined.

Board to approve rates.

SECTION 20. The water board, water commissioners or superintendent of any city or town in the metropolitan water district, shall for their respective cities or towns, on and after the first day of January in the year eighteen hundred and ninety-five, have the charge and control of the water sources, water and water works owned and used by said city or town and not taken or used by said metropolitan water board as herein provided.² Said water board, water commissioners or superintendent shall distribute and control the use of the water so furnished, and apply meters and extend the pipes and other work as said water board, water commissioners or superintendent may deem expedient; shall keep the pipes, fixtures and other works under their charge in good condition and repair, but shall not expend in any year more than the amount appropriated by the city or town therefor. Said water board, water commissioners or superintendent, with the approval of the mayor or selectmen, shall determine the rate to be paid for water by the owner of the premises to which the water is furnished, or by the person or persons using the water: *provided, however,* that the minimum rates to be paid for water, and the premises to which

¹ Provision between brackets is repealed. Acts 1901, chap. 489.

² Taking of water in emergencies by cities and towns outside of present supply is authorized. Acts 1901, chap. 313; Acts 1907, chap. 349.

the high service supply shall be furnished, shall be subject to the approval of said metropolitan water board. Any water board, water commissioner or superintendent as aforesaid shall for the water works under his charge do all the acts and things relating to buildings, machinery, roads, conduits, aqueducts, pipes and drains, which said metropolitan water board is authorized to do for the water works under their charge, and may take lands therefor, in fee or otherwise, and shall do all such acts and things and make all such takings in the manner in which said metropolitan water board are authorized to do similar things, and the damages sustained shall be recovered of, and paid by, the city or town for which such water board, water commissioners or superintendents are appointed or elected, in the same manner as damages caused by similar acts of said metropolitan water board are recovered of, and paid by, the Commonwealth.

Water boards,
etc., of cities
and towns to
do all things
relating to
water supply.

Damages
shall be paid
by city or
town.

APPLICATION OF INCOME BY CITIES AND TOWNS.

SECTION 21. The income received in each city or town from the water works under the charge of its water board, water commissioners or superintendent, shall be applied to the payment of the expenses of maintenance and operation incurred by said water board, water commissioners or superintendent; the interest and sinking fund requirements of all bonds, notes or scrip of the city or town issued on account of the water works of such city or town; the assessment of the city or town to be paid to the treasurer of the Commonwealth as hereinbefore provided; the expenses of the extension of the works; and the balance, if any, as the city or town may determine. If such income in any year shall not be sufficient for said payments the balance required therefor shall be raised by taxation or by loan, as the city or town may determine; and the city or town is hereby authorized to assess such taxes and make such loans without further authority from the legislature.

Cities and
towns to
apply income
to payment
of expenses,
interest, etc.

Balance as
city or town
may deter-
mine.

If income is
insufficient
balance to be
raised by
taxation or
loan.

**PERMISSION TO WORCESTER AND CERTAIN TOWNS TO
TAKE WATER.**

City of Worcester and certain towns may take water from Nashua river under certain conditions.

If water is taken, proportion of cost to be paid to the Commonwealth.

If cannot agree on amount, master to be appointed.

No city or town in district to use water for domestic purposes except when authorized by legislature.

SECTION 22. The towns of Clinton, Sterling, Boylston, West Boylston, Lancaster, Holden, Rutland, Princeton, Paxton and Leicester, and the city of Worcester, may take from the south branch of the Nashua river, above the dam of the proposed reservoir on said river, so much of the water thereof as they have already been or may hereafter be authorized by the legislature to take, for supplying their inhabitants with water, and in case either of the towns of Lancaster, Holden, Rutland, Princeton, Paxton or Leicester, or the city of Worcester, shall so take water, it shall pay to the Commonwealth, to be paid into the sinking funds for said bonds, a fair proportion of the cost incurred by the Commonwealth for said water¹ and for the construction, maintenance and operation of said works, the same to be determined by the engineer of said board and an engineer to be appointed by the city or town, and if they cannot agree, the proportion shall be determined by a master to be appointed by the supreme judicial court on the petition of either party interested, and the report of such master made and accepted by said court shall be final and binding on all parties.

SPECIAL PROVISIONS AS TO WATER SUPPLIES IN WATER DISTRICT.

SECTION 23. No city or town,² any part of which is within ten miles of the state house, or any water company owning a water pipe system in any such city or town shall, except in case of emergency,³ use, for domestic purposes; water from any source not now used by it except as herein provided or as shall be hereafter authorized by the legis-

¹ Provision for payment for water taken is changed and further defined. Acts 1897, chap. 456.

² Amended. Acts 1909, chap. 74.

³ Taking of water in emergencies is authorized. Acts 1901, chap. 313.

lature.¹ If any town or towns in said district shall take the franchise, works and property in such town or towns, of any water company, the compensation to be allowed and paid therefor shall not be increased or decreased by reason of the provisions of this act. No town in said water district now supplied with water by a water company owning the water pipe system in such town, shall introduce water from the metropolitan water works until it shall first have acquired the works of such company.²

No town to introduce water from metropolitan supply till works of water company have been acquired.

SANITARY PROTECTION OF METROPOLITAN WATER SUPPLY.

SECTION 24. The state board of health is hereby authorized and required to make rules and regulations³ for the sanitary protection of all waters used by the metropolitan water board for the water supply of any city, town or water company aforesaid, and to transfer and deliver to said water board, such plans, maps and other information in their possession as will assist said board in carrying out the provisions of this act.

Rules for protection of water used by board.

Plans, maps and other information to be transferred to board.

PROTECTION OF WATER SUPPLY AND WORKS OF CITIES AND TOWNS.

SECTION 25. No person shall take or divert any water of a water supply of any city or town in said water district from any water source, reservoir, conduit or pipe used for supplying such water to, or in any such city or town, or occupy, injure or interfere with any such water, or with any land, building, aqueduct, pipe, drain, conduit, hydrant, machinery or other work or property so used, and no person shall corrupt, render impure, waste or improperly use, any such water.

Water not to be diverted.

Buildings, machinery, etc., not to be injured.

¹ Natick may take water from Lake Cochituate. Acts 1902, chap. 392.

Cambridge, Somerville, Arlington and Belmont may improve the condition of Alewife Brook, Little River and Wellington Brook. Acts 1903, chap. 327.

Framingham may connect water system with Reservoir No. 3. Acts 1912, chap. 656.

² Parties aggrieved may petition Supreme Judicial Court to fix rates of water companies. Acts 1897, chap. 336.

³ Publication in newspaper or posting of sanitary rules and regulations is sufficient legal notice. Acts 1899, chap. 308.

Not to apply where water, land, etc., are taken or occupied by permission of board.

Nor to inhabitants of any city or town taking water for ordinary uses.

Board to enforce act and rules, etc., made thereunder.

May enter upon land for that purpose.

Act not to be enforced until sewage is provided for.

Sewage works to be operated as part of water works.

SECTION 26. The provisions of the preceding section shall not apply to any person in taking or diverting any such water or interfering with or occupying any water, land or works therein described, by permission of said metropolitan water board, or the water board, water commissioners or superintendent of any city or town having charge of the land, water or work; nor to the individual inhabitants of any city or town within the watershed of any water supply used by said metropolitan water board, or by any city or town aforesaid, in taking from the part of the supply or from the tributaries of the supply within their respective city or town limits so much of the water thereof as they shall need for their ordinary domestic household purposes, for extinguishing fires, or for generating steam.

ENFORCEMENT OF WATER ACT AND RULES AND REGULATIONS.

SECTION 27. Said metropolitan water board, and their employees designated for the purpose, shall enforce the provisions of this act, and of the rules, regulations and orders made thereunder,¹ and may enter into any building, and upon any land for the purpose of ascertaining whether sources of pollution there exist, and whether the provisions of this act and of the rules, regulations and orders made as aforesaid are complied with; and, where the enforcement of any such provisions, rules, regulations or orders will require public² works for the removal or purification of sewage, said metropolitan water board shall not enforce the same until they have provided such works, and the amount paid therefor shall be considered as part of the expenses of construction of the metropolitan water works, and such works shall be maintained and operated as a part of said water works.

¹ Publication in a newspaper or the posting of sanitary rules is sufficient legal notice. Acts 1899, chap. 308.

² Private works, necessary for the disposal of sewage from certain manufacturing and tannery plants, are to be built and operated by Board. Acts 1902, chap. 535.

SECTION 28. The supreme judicial court or any justice thereof, and the superior court or any justice thereof, shall, in term time or vacation, on the petition of said board or any city, town, corporation or person interested, or of the attorney of any such petitioner, have jurisdiction in equity or otherwise to enforce the provisions of this act, and of any rule, regulation or order made under the authority of this act, and to prevent any violation of said provisions, rules, regulations or orders.

Supreme
judicial and
superior
courts have
jurisdiction
in equity to
enforce pro-
visions of act.

PENALTIES.

SECTION 29. Whoever shall do any of the acts herein prohibited, or shall violate or refuse to comply with any rule, regulation or order made under the authority of this act shall, on complaint or indictment therefor and conviction thereof, be punished for each offence by a fine not exceeding five hundred dollars, to be paid to the Commonwealth, or by imprisonment not exceeding one year in the house of correction, or by both such fine and imprisonment.

To be pun-
ished by fine
or imprison-
ment, or both.

APPLICATION OF GENERAL LAWS RELATING TO WATER SUPPLIES.

SECTION 30. All general laws relating to the water supplies of cities and towns or the lands and other property used for such supplies shall, so far as they are not inconsistent with the provisions of this act, apply to and be observed in carrying out the purposes of this act.¹

General
laws to be
observed.

¹ This section is amended so as to include Acts 1893, chap. 352, which chapter is now found in Rev. Laws, chap. 12, §§ 10-12.

Provisions of Rev. Laws, chap. 12, § 12, apply, though land is used for other public purpose at time of taking. Acts 1903, chap. 161.

Payment is to be made to Sterling in lieu of taxes. Acts 1897, chap. 445.

Payment is to be made to West Boylston and Boylston in lieu of taxes. Acts 1897, chap. 467.

Payment is to be made to Ashland in lieu of taxes. Acts 1899, chap. 480.

Payment is to be made to Hopkinton in lieu of taxes. Acts 1901, chap. 518.

Payment is to be made to Holden in lieu of taxes. Acts 1906, chap. 533.

Payment is to be made to Clinton in lieu of taxes. Acts 1906, chap. 498, and Acts 1910, chap. 515.

Provisions of law relative to payment in lieu of taxes to apply to land held for metropolitan water supply. Acts 1909, chap. 243.

Payment is to be made to Medford in lieu of taxes. Acts 1914, chap. 729.

Payment is to be made to Southborough in lieu of taxes. Acts 1914, chap. 767.

EMPLOYMENT OF LABOR.

Preference
to be given
to citizens.

SECTION 31. In the construction of these works preference in employment shall be given to citizens of this Commonwealth.

SECTION 32. This act shall take effect upon its passage.
[Approved June 5, 1895.]

[Chapter 436 of the Acts of the Year 1895.]

**AN ACT RELATIVE TO THE COMPENSATION FOR DAMAGES
OCCASIONED BY THE CONSTRUCTION OF THE METRO-
POLITAN WATER SYSTEM.**

Be it enacted, etc., as follows:

1895, 488,
§ 16,
amended.

City of Bos-
ton to be
reimbursed
and certain
sums to be
paid to towns
of Boylston
and West
Boylston.

SECTION 1. Section sixteen of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five is hereby amended by striking out in the eleventh line, the word "two", and inserting in place thereof the word:— three,— so as to read as follows:—
Section 16. The treasurer of the Commonwealth shall, from the proceeds of the bonds hereinafter provided for, reimburse the city of Boston for all moneys paid or that may hereafter be paid by said city for land damages, or otherwise, in connection with the location, building or maintenance of reservoirs or basins not yet built, or for lands taken for the preservation or protection of the purity of the waters of any reservoirs, or basins or of the tributaries thereof, and shall pay as part of the expenses of said metropolitan water works to the town of Boylston the sum of three thousand dollars a year and to the town of West Boylston the sum of twelve thousand dollars a year for the year of and each year succeeding said taking of the waters of said Nashua river, so long as each of said towns remains a municipality, and shall pay no tax or other payment to either of said towns on account of any

property held by said water board for the purposes of a water supply.¹

SECTION 2. This act shall take effect upon its passage.
[Approved May 27, 1896.]

[Chapter 450 of the Acts of the Year 1896.]

**AN ACT RELATIVE TO THE COMPENSATION OF EMPLOYEES
 IN WEST BOYLSTON.**

Be it enacted, etc., as follows:

SECTION 1. Any resident of the town of West Boylston employed by any corporation, partnership or individual at the time when the plant of such corporation, partnership or individual is taken, and work therein stopped, on account of a reservoir for the metropolitan water supply, and who is obliged by reason of such taking to seek employment elsewhere, shall have the right for one year from the termination of such employment as aforesaid to file a claim for damages with the metropolitan water commission, and if the same is not settled within sixty days from the filing thereof, he may bring a bill in equity in the superior court for the county of Worcester for the adjudication and collection of such damage. Any number of persons deprived of employment as aforesaid may unite in such bill, and the withdrawal of any shall not prejudice the rights of others.

Certain persons deprived of employment in West Boylston may file claim for damages.

SECTION 2. It shall be the duty of the court to ascertain whether or not such claimants have resided and been employed and deprived of employment as specified in this act, and if so to issue a decree in favor of each to recover the actual damage which he has suffered by reason of such loss of employment, not however to exceed the sum of his wages for six months at the rate of wages paid to him

Court to ascertain certain facts, etc.

¹ Provision is made for temporary payments, and for payments on account of land outside of reservoir, in lieu of taxes. Acts 1897, chap. 467.

for the last six months prior to such suspension of employment.

Certain employees not entitled to receive compensation.

SECTION 3. No person shall be entitled to receive compensation under this act unless he shall have been employed in the town of West Boylston continuously from the date when chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, entitled "An Act to provide for a metropolitan water supply", became a law, up to the date of the taking of the property wherein said person is employed.

Stockholders not entitled to receive compensation.

SECTION 4. No stockholder of any corporation whose plant is taken on account of a reservoir for said metropolitan water supply shall be entitled to receive compensation under this act.

SECTION 5. This act shall take effect upon its passage.
[Approved May 28, 1896.]

[Chapter 490 of the Acts of the Year 1896.]

**AN ACT RELATIVE TO THE DUTIES AND AUTHORITY OF
 THE ATTORNEY-GENERAL AND TO THE EMPLOYMENT
 OF ATTORNEYS BY STATE BOARDS, COMMISSIONERS AND
 OFFICERS.**

Be it enacted, etc., as follows:

Attorney-general to appear for Commonwealth, heads of departments, etc., in certain suits, etc.

SECTION 1. The attorney-general shall appear for the Commonwealth, the secretary, the treasurer, and the auditor, and for all heads of departments, state boards and commissions, in all suits and other civil proceedings, excepting upon criminal recognizances and bail bonds, in which the Commonwealth is a party or interested, or in which the official acts and doings of said officers are called in question, in all the courts of the Commonwealth; and in such suits and proceedings before any other tribunal when requested by the governor or by either branch of the general court. All such suits and proceedings shall be conducted by him or under his direction. All legal

services required by such officers and boards in matters relating to their official duties shall be performed by the attorney-general or under his direction.

SECTION 2. All writs, summonses or other processes served upon such officers shall forthwith be transmitted by them to the attorney-general. All suits or other proceedings by them shall be brought by the attorney-general or under his direction.

SECTION 3. The attorney-general may appoint such assistants as the duties of the office require; and with the approval of the governor and council shall fix their compensation. He may also, whenever in his opinion the interests of the Commonwealth require, employ such additional legal assistance as he may deem necessary in the discharge of his duties. Such employment and the compensation therefor shall be subject to the approval of the governor and council.

SECTION 4. All acts relating to the appointment of first and second assistant attorneys-general and all acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 5. This act shall take effect on the first day of July in the year eighteen hundred and ninety-six. [Approved June 5, 1896.]

To take effect
July 1, 1896.

[Chapter 336 of the Acts of the Year 1897.]

**AN ACT TO REGULATE THE PRICE TO BE CHARGED FOR
WATER BY WATER COMPANIES IN THE METROPOLITAN
DISTRICT.**

Be it enacted, etc., as follows:

SECTION 1. Section twenty-three of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five is hereby amended by adding at the end thereof the words: — and no such company shall be entitled to charge more for water than a reasonable sum, measured by the price ordinarily charged for a sim-

1895, 488,
§ 23,
amended.

ilar service in other cities and towns in the metropolitan district. The selectmen of a town or any persons deeming themselves aggrieved by the price charged for water by any such company may, in the year eighteen hundred and ninety-eight and every fifth year thereafter, apply by petition to the supreme judicial court, asking to have the rate fixed at a reasonable sum, measured by the standard above-specified; and two or more judges of said court, after hearing the parties, shall establish such maximum rates as said court shall deem proper; and said maximum rates shall be binding upon said water company until the same shall be revised or altered by said court pursuant to this act, — so as to read as follows: — *Section 23.* No city or town, any part of which is within ten miles of the state house, or any water company owning a water pipe system in any such city or town shall, except in case of emergency, use, for domestic purposes water from any source not now used by it except as herein provided or as shall be hereafter authorized by the legislature. If any town or towns in said district shall take the franchise, works and property in such town or towns, of any water company, the compensation to be allowed and paid therefor shall not be increased or decreased by reason of the provisions of this act. No town in said water district now supplied with water by a water company owning the water pipe system in such town, shall introduce water from the metropolitan water works until it shall first have acquired the works of such company; and no such company shall be entitled to charge more for water than a reasonable sum, measured by the price ordinarily charged for a similar service in other cities and towns in the metropolitan district. The selectmen of a town or any persons deeming themselves aggrieved by the price charged for water by any such company may, in the year eighteen hundred and ninety-eight and every fifth year thereafter, apply by petition to the supreme judicial court, asking to have the rate fixed at a reasonable sum, measured by

Use of water
by certain
cities, towns
and water
companies
restricted,
etc.

the standard above-specified ; and two or more judges of said court, after hearing the parties, shall establish such maximum rates as said court shall deem proper ; and said maximum rates shall be binding upon said water company until the same shall be revised or altered by said court pursuant to this act.

SECTION 2. This act shall take effect upon its passage.
[Approved May 1, 1897.]

[Chapter 339 of the Acts of the Year 1897.]

AN ACT TO REQUIRE BONDS TO BE GIVEN UNDER CERTAIN CONTRACTS MADE BY THE METROPOLITAN WATER BOARD.

Be it enacted, etc., as follows:

It shall be the duty of the metropolitan water board in making contracts for the construction of the metropolitan water works to require every employer of labor engaged in the construction of said works to give to each city or town in which such labor may be employed a bond in the penal sum of three thousand dollars, conditioned to save harmless and indemnify such city or town against any loss, expense or charges that said city or town may legally incur because of pauper or indigent employees brought to said town and having no settlement therein.¹ *[Approved May 5, 1897.]*

Bonds to be given under certain contracts made by metropolitan water board.

[Chapter 369 of the Acts of the Year 1897.]

AN ACT RELATIVE TO THE MILTON WATER COMPANY.

Be it enacted, etc., as follows:

SECTION 1. The provisions of chapter four hundred and eleven of the acts of the year eighteen hundred and eighty-eight, being "An Act to incorporate the Milton Water Company", and of all acts in amendment thereof or in addition thereto, shall continue in force and have the

1888, 411,
etc., to con-
tinue in
force.

¹ These bonds are not to deprive cities and towns of existing remedies. Acts 1901, chap. 442.

same effect as if chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, being "An Act to provide for a Metropolitan Water Supply", had not been passed.

SECTION 2. This act shall take effect upon its passage.
[Approved May 10, 1897.]

[Chapter 445 of the Acts of the Year 1897.]

**AN ACT RELATIVE TO THE COMPENSATION FOR DAMAGES IN
 THE TOWN OF STERLING OCCASIONED BY THE CON-
 STRUCTION OF THE METROPOLITAN WATER SYSTEM.**

Be it enacted, etc., as follows:

Compensation
 for damages
 in the town of
 Sterling oc-
 casioned by
 construction of
 metropolitan
 water system.

SECTION 1. The owner of any real estate situated in that part of the town of Sterling on the southerly and westerly side of Stillwater river, not taken but directly or indirectly decreased in value by chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five entitled, "An Act to provide for a metropolitan water supply", or by the doings of the metropolitan water board thereunder, and any individual or firm owning, on the first day of April in the year eighteen hundred and ninety-five, an established business on land in said part of the town of Sterling, or the heirs or personal representatives of such individual or firm, who shall deem that such business is decreased in value, whether by loss of custom or otherwise, by the carrying out of said act to provide for a metropolitan water supply, shall have the same right to damages for such decrease in value, to be determined and recovered in the same way, as is provided for owners of real estate or of an established business in the town of West Boylston by said chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five.¹

¹ Time for filing petitions is extended to two years from date of taking in case of land taken, and in all other cases to July 1, 1901. Acts 1899, chap. 342.

Time is further extended to July 1, 1904. Acts 1901, chap. 498. To July 1, 1905. Acts 1904, chap. 186.

SECTION 2. The treasurer of the Commonwealth shall pay hereafter as a part of the expenses of the metropolitan water works annually on or before the thirty-first day of December to the town of Sterling an amount equal to the assessment made by the assessors of the town of Sterling as of the first day of May in the year eighteen hundred and ninety-four, on all real estate taken or acquired, and held by the metropolitan water board on the first day of May in each year, under authority of said chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five and acts in amendment thereof, so long as said property is held by said metropolitan water board, such payment to be in place of taxes and any other payment required by law upon such property.

Treasurer of
the Common-
wealth to pay
to town of
Sterling a
certain sum
annually.

SECTION 3. This act shall take effect upon its passage.

[Approved June 2, 1897.]

[Chapter 456 of the Acts of the Year 1897.]

AN ACT TO REQUIRE CERTAIN PAYMENTS BY MUNICIPALITIES TAKING WATER FROM THE SOUTH BRANCH OF THE NASHUA RIVER, IN CERTAIN CASES.

Be it enacted, etc., as follows:

Section twenty-two of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five is hereby amended by striking out in the fourteenth and fifteenth lines, the words "and for the construction, maintenance and operation of said works, the same to", and inserting in place thereof the following: — and if the water is taken from the river above said reservoir it shall pay in addition a fair proportion of the cost of maintaining the purity of said water above the point of said taking; and if the water is taken from said reservoir it shall pay in addition a fair proportion of the cost of maintaining the purity of said water and of the cost of constructing and maintaining said dam and reservoir. Said propor-

1895, 488,
§ 22,
amended.

Taking of
certain water
by city of
Worcester
and certain
towns.

tions shall,— so as to read as follows:— *Section 22.*
 The towns of Clinton, Sterling, Boylston, West Boylston, Lancaster, Holden, Rutland, Princeton, Paxton and Leicester, and the city of Worcester, may take from the south branch of the Nashua river, above the dam of the proposed reservoir on said river, so much of the water thereof as they have already been or may hereafter be authorized by the legislature to take, for supplying their inhabitants with water, and in case either of the towns of Lancaster, Holden, Rutland, Princeton, Paxton or Leicester, or the city of Worcester, shall so take water, it shall pay to the Commonwealth, to be paid into the sinking funds for said bonds, a fair proportion of the cost incurred by the Commonwealth for said water, and if the water is taken from the river above said reservoir it shall pay in addition a fair proportion of the cost of maintaining the purity of said water above the point of said taking; and if the water is taken from said reservoir it shall pay in addition a fair proportion of the cost of maintaining the purity of said water and of the cost of constructing and maintaining said dam and reservoir. Said proportion shall be determined by the engineer of said board and an engineer to be appointed by the city or town, and if they cannot agree, the proportion shall be determined by a master to be appointed by the supreme judicial court on the petition of either party interested, and the report of such master made and accepted by said court shall be final and binding on all parties. [Approved June 3, 1897.]

[Chapter 467 of the Acts of the Year 1897.]

AN ACT RELATIVE TO COMPENSATION FOR LOSS OF TAXES
 OCCASIONED BY THE CONSTRUCTION OF THE METROPOLITAN WATER SYSTEM.

Be it enacted, etc., as follows:

1895, 488,
 § 16, etc.,
 amended.

SECTION 1. Section sixteen of chapter four hundred and eighty-eight of the acts of the year eighteen hundred

and ninety-five, as amended by section one of chapter four hundred and thirty-six of the acts of the year eighteen hundred and ninety-six, is hereby amended by adding at the end thereof the following words: — *provided, however,* that the Commonwealth shall pay annually, on or before the thirty-first day of December, to the towns of West Boylston and Boylston, until such time as the payments to said towns hereinbefore set forth become due and payable, an amount equal to the assessment made by the assessors of each of said towns as of the first day of May in the year eighteen hundred and ninety-four, on all property in their towns taken or acquired on or before the first day of May in such year, under the authority of this act; and shall pay to said towns annually, on or before the thirty-first day of December, an amount equal to the assessment made as aforesaid on all real estate in their towns so taken or acquired on or before the first day of May in each year by the Commonwealth, outside the limits of said proposed reservoir, so long as the same shall remain the property of the Commonwealth; and *provided, further,* that no part of the fifty-one hundred and sixty-three acres described in the report of the state board of health on a metropolitan water supply made to the general court in the year eighteen hundred and ninety-five as necessary for said reservoir and the margin around the same shall be included in determining the amount to be paid in consequence of the taking of property outside the limits of said reservoir and margin, — so as to read as follows: — *Section 16.* The treasurer of the Commonwealth shall, from the proceeds of the bonds hereinafter provided for, reimburse the city of Boston for all moneys paid or that may hereafter be paid by said city for land damages, or otherwise, in connection with the location, building or maintenance of reservoirs or basins not yet built, or for lands taken for the preservation or protection of the purity of the waters of any reservoirs, or basins or of the tributaries thereof, and shall pay as part of the ex-

City of Bos-
ton to be
reimbursed
and certain
sums to be
paid to towns
of Boylston
and West
Boylston.

Provisos.

penses of said metropolitan water works to the town of Boylston the sum of three thousand dollars a year and to the town of West Boylston the sum of twelve thousand dollars a year for the year of and each year succeeding said taking of the waters of said Nashua river, so long as each of said towns remains a municipality, and shall pay no tax or other payment to either of said towns on account of any property held by said water board for the purposes of a water supply: *provided, however,* that the Commonwealth shall pay annually, on or before the thirty-first day of December, to the towns of West Boylston and Boylston, until such time as the payments to said towns hereinbefore set forth become due and payable, an amount equal to the assessment made by the assessors of each of said towns as of the first day of May in the year eighteen hundred and ninety-four, on all property in their towns taken or acquired on or before the first day of May in such year, under the authority of this act; and shall pay to said towns annually, on or before the thirty-first day of December, an amount equal to the assessment made as aforesaid on all real estate in their towns so taken or acquired on or before the first day of May in each year by the Commonwealth, outside the limits of said proposed reservoir, so long as the same shall remain the property of the Commonwealth; and *provided, further,* that no part of the fifty-one hundred and sixty-three acres described in the report of the state board of health on a metropolitan water supply made to the general court in the year eighteen hundred and ninety-five as necessary for said reservoir and the margin around the same shall be included in determining the amount to be paid in consequence of the taking of property outside the limits of said reservoir and margin.

SECTION 2. This act shall take effect upon its passage.
[Approved June 5, 1897.]

[Chapter 473 of the Acts of the Year 1897.]

AN ACT TO SUPPLY THE TOWN OF STONEHAM WITH WATER.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan water board shall on application admit the town of Stoneham into the metropolitan water district, and furnish water to the same on the terms prescribed by chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five for the cities and towns included in said metropolitan water district, and on such payment of money as said board may determine. . . .

Town of
Stoneham may
be admitted
into the
metropolitan
water dis-
trict, etc.

SECTION 14. This act, except as provided in section fifteen, shall take effect upon its acceptance by a majority vote of the voters of the town of Stoneham present and voting thereon at a legal town meeting called for the purpose within one year from its passage; but the number of meetings so called shall not exceed three.

To be sub-
mitted to
voters at a
legal town
meeting, etc.

SECTION 15. So much of this act as authorizes the submission of the question of its acceptance to the legal voters of said town shall take effect upon its passage, but it shall not take further effect unless and until accepted¹ as hereinbefore provided by the qualified voters of said town. [Approved June 7, 1897.]

[Chapter 166 of the Acts of the Year 1898.]

AN ACT RELATIVE TO THE METROPOLITAN WATER BOARD.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan water board may make agreements with the metropolitan park commission, or with any park commission or any officer or board of any city or town in which any lands, rights, easements, or interest in lands in the control of said metropolitan water

Metropolitan
water board
may make
agreements
for care of
certain
lands, etc.

¹ Accepted by the town Aug. 12, 1897.

board are situated, for the care and control, with or without police protection, of such lands, rights, easements, or interest in lands, for such period and upon such terms and conditions as may be mutually agreed.

SECTION 2. This act shall take effect upon its passage.
[Approved March 12, 1898.]

[Chapter 293 of the Acts of the Year 1898.]

AN ACT RELATIVE TO THE PURCHASE AND SALE OF THE PROPERTY OF THE MARBLEHEAD WATER COMPANY.

Be it enacted, etc., as follows:

Marblehead
Water Com-
pany may
sell its water
rights, etc.

Town of
Swampscott
may purchase
upon certain
terms, etc.

May supply
itself with
water, etc.

SECTION 1. The Marblehead Water Company, a corporation established by chapter one hundred and sixty-three of the acts of the year eighteen hundred and eighty-three, may sell all its water rights, estates, franchises and privileges, or any part thereof, to any person, or municipal or other corporation, notwithstanding the provisions of section nine of said act; and the town of Swampscott is hereby authorized to purchase the same or any part thereof upon terms agreed or to be agreed upon by the parties, and upon such purchase said town shall become entitled to all the rights and privileges of said corporation, except as otherwise provided by agreement of the parties. Any vote heretofore passed by a majority of the legal voters of the town of Swampscott present and voting thereon at a legal town meeting to purchase said property, rights, privileges and franchises of the Marblehead Water Company as herein provided, or authorizing the selectmen to purchase the same, is hereby ratified as a vote of purchase thereof, and shall have the same effect as a vote of purchase thereof as though the authority hereby given had been granted prior to such vote.

SECTION 2. Said town of Swampscott upon acquiring the property of said Marblehead Water Company, as herein provided, may supply itself and its inhabitants

with water for the extinguishment of fires and for domestic and other purposes, obtaining the same from any or all of the sources specified, and in the manner specified in said chapter one hundred and sixty-three of the acts of the year eighteen hundred and eighty-three; or from the city of Lynn, or from the metropolitan water board, as now authorized by law.

SECTION 13. This act shall take effect upon its passage.
[Approved April 6, 1898.]

[Chapter 295 of the Acts of the Year 1898.]

**AN ACT TO PROVIDE FOR A WATER SUPPLY FOR THE TOWN
 OF WINTHROP.**

Be it enacted, etc., as follows:

SECTION 1. The town of Winthrop may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes, obtaining the same from the metropolitan water board, as provided in chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five. . . .

SECTION 2. Said town for the purposes aforesaid may hold and convey through said town the water to be furnished by said metropolitan water board as hereinbefore provided. . . .

SECTION 14. This act, except as provided in section fifteen, shall take effect upon its acceptance¹ by a majority vote of the voters of the town of Winthrop present and voting thereon at a legal meeting called for the purpose within three years from its passage; but the number of meetings so called shall not exceed three in any one year.

SECTION 15. So much of this act as authorizes the submission of the question of its acceptance to the legal

¹ Accepted by the town June 29, 1898.

voters of said town shall take effect upon its passage, but it shall not take further effect unless and until accepted as hereinbefore provided by the qualified voters of said town. [Approved April 6, 1898.

[Chapter 392 of the Acts of the Year 1898.]

AN ACT RELATIVE TO SUPPLYING CERTAIN CITIES AND TOWNS WITH WATER FROM THE METROPOLITAN WATER WORKS.

Be it enacted, etc., as follows:

1895, 488, § 3,
amended.

To construct,
etc., a system
of metropolitan
water
works.

Metropolitan
Water
District.

Certain cities
and towns
may be ad-
mitted, etc.

Section three of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five is hereby amended by inserting after the word "determine", in the twenty-eighth line, the words: — *provided*, that any such city or town shall first have acquired the works of any water company therein situated, constructed for the purpose of supplying said city or town or its inhabitants with water, — so as to read as follows: — *Section 3.* Said board, acting for the Commonwealth, shall construct, maintain and operate a system of metropolitan water works substantially in accordance with the plans and recommendations of the state board of health, contained in their report to the legislature of the year eighteen hundred and ninety-five, and shall provide thereby a sufficient supply of pure water for the following named cities and towns, and the inhabitants thereof, to wit: — The cities of Boston, Chelsea, Everett, Malden, Medford, Newton and Somerville, and the towns of Belmont, Hyde Park, Melrose, Revere, Watertown and Winthrop, which cities and towns shall constitute the Metropolitan Water District; shall secure and protect the purity of said water; shall on application furnish water to any city or town aforesaid that at the time of application owns its water pipe system; shall on application admit any other city or town, any part of which is within ten miles of the state

house, into said water district, and furnish water to the same on the terms prescribed by this act for the cities and towns aforesaid, and on such payment of money as said board may determine; shall on application furnish water to any water company owning the water pipe system in any town within said ten miles, on such water company assuming the assessments of the town, if any, and making such payment of money as said board may determine; and may from time to time furnish water to any other city, town or water company, on such payment of money as said board may determine: *provided*, that any such **Proviso.**
 city or town¹ shall first have acquired the works of any water company therein situated, constructed for the purpose of supplying said city or town or its inhabitants with water. All payments of money aforesaid shall be distributed to the cities and towns in said district in proportion to the total amount of the annual assessments theretofore paid by them respectively. Said board shall furnish said water to the city, town or company, by delivering the same into a main water pipe, reservoir or tank of the city, town or company, under sufficient pressure for use without local pumping, unless delivered in some other manner by mutual agreement between the parties interested; and shall have the direction and control of the connections between the metropolitan and local systems. Said board may utilize the fall of water at any dam under their charge, and may thereby produce power or electricity, and may transmit such power or electricity by pipes, wires, or other suitable means, and sell the same, or the right to use such water, by written or other contract, to run for a term not exceeding fifteen years.² Any person or corporation authorized by said board shall have all the powers relating to the production, sale and transmission of power and electricity given by this act to said board. [Approved April 29, 1898.]

Distribution
of payments
of money,
furnishing
of water, etc.

¹ The words "last referred to" are inserted by amendment after the word "town." Acts 1899, chap. 349.

² Power plants authorized. Acts 1908, chap. 558. Acts 1914, chap. 601.

[Chapter 484 of the Acts of the Year 1898.]

**AN ACT TO AUTHORIZE THE METROPOLITAN WATER BOARD
TO CONVEY AND EXCHANGE LAND AND EASEMENTS.**

Be it enacted, etc., as follows:

Metropolitan
water board
may convey
and exchange
land and
easements,
etc.

SECTION 1. In any case in which the metropolitan water board is now authorized by law to sell real estate, instead of making such sale said board may convey real estate and receive therefor in exchange other real estate, the title of the same to be taken in the name of the Commonwealth, and may cause money to be paid or received to make the exchange equal. And said board may from time to time make grants or conveyances of easements and receive therefor in exchange other easements, money or such other considerations as may be deemed suitable by said board, the title of such easements to be taken in the name of the Commonwealth. All money received shall be paid into the treasury of the Commonwealth and be applied in the manner designated in section eighteen of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five for the disposition of the proceeds from the sale of real property.

SECTION 2. This act shall take effect upon its passage.

[Approved May 24, 1898.]

[Chapter 551 of the Acts of the Year 1898.]

AN ACT TO PROVIDE FOR THE PAYMENT OF DAMAGES SUSTAINED UNDER THE METROPOLITAN WATER SUPPLY ACT BY CERTAIN PERSONS IN THE TOWN OF BOYLSTON.

Be it enacted, etc., as follows:

1895, 488,
§ 14,
amended.

SECTION 1. Section fourteen of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five is hereby amended by inserting after the words "West Boylston", in the fifty-third line, the words:

— or on land in the town of Boylston,— so that all of said section after the word “court”, in the fiftieth line, shall read as follows:— In case any individual or firm owning on the first day of April in the year eighteen hundred and ninety-five an established business on land in the town of West Boylston, or on land in the town of Boylston,¹ whether the same shall be taken or not under this act, or the heirs or personal representatives of such individual or firm, shall deem that such business is decreased in value by the carrying out of this act, whether by loss of custom or otherwise, and unable to agree with said board as to the amount of damages to be paid for such injury, such damages shall be determined and paid in the manner hereinbefore provided. The words “real estate”, as used in this section, shall include water rights, and in the case of mills all machinery thereon.

Determination
of damages
to certain
business
establish-
ments.

“Real
estate”
defined.

SECTION 2. This act shall take effect upon its passage.
[Approved June 21, 1898.]

[Chapter 557 of the Acts of the Year 1898.]

**AN ACT TO AUTHORIZE THE METROPOLITAN WATER BOARD
 TO TAKE LANDS IN THE TOWNS OF CLINTON AND
 LANCASTER AND TO ERECT AND MAINTAIN THEREON
 A PLANT FOR THE DISPOSAL OF SEWAGE OF THE
 TOWN OF CLINTON.**

Be it enacted, etc., as follows:

SECTION 1. The metropolitan water board, in consultation with the town of Clinton, shall construct, maintain and operate suitable and sufficient works for intercepting the sewage of said town at or near the two existing outlets into the south branch of the Nashua river, one of them located near Allen street and the other about eighteen hundred feet above the bridge of the New York, New Haven and Hartford railroad crossing said river, and

Metropolitan
water board
may take cer-
tain lands.

¹ Owners of established business in part of Clinton are included. Acts 1901, chap. 505.

Provisos.

for conveying, storing, pumping and disposing of the said sewage. Said board may from time to time enlarge, modify and improve any works so constructed, and may, as occasion requires, take by purchase or otherwise, in fee or otherwise, as said board may determine, any lands, water rights, rights of way and easements in the towns of Lancaster and Clinton, or either of them, that the board may deem necessary or desirable for discharging the powers and duties imposed by this act: *provided, however,* that any such land, water rights, rights of way and easements taken in the town of Lancaster shall be located between the town of Clinton on the south, the south branch of the Nashua river on the west, the roads leading from South Lancaster to Lancaster Commons and from Lancaster Commons to Bolton on the north, and the road leading from said last named road to Bolton Station on the east, and said boards shall take all lands which, on the first day of June in the year eighteen hundred and ninety-eight abutted upon and were within three hundred feet westerly from the westerly side of High street, so-called, between Mill street and a small brook crossing said High street about thirty-two hundred and fifty feet northerly from said Mill street, which the owner of such abutting land shall in writing notify said board before the first day of January in the year eighteen hundred and ninety-nine, that he desires to have taken; and *provided, further,* that no sewage shall be treated or purified upon any land in Lancaster west of or within two hundred feet east of said High street, unless the selectmen of the town of Lancaster shall in writing consent thereto; and the Commonwealth, until said works herein provided for shall have been, as in this act provided, transferred to the town of Clinton, and thereafter, said town of Clinton, shall pay annually to the town of Lancaster for all lands held in said town of Lancaster, a sum of money to be fixed and determined according to the provisions of chapter three

hundred and fifty-two of the acts of the year eighteen hundred and ninety-three.

SECTION 2. The metropolitan water board, in order to take any property hereunder by right of eminent domain, shall proceed in all respects as provided in chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, and the provisions of said act shall apply to the determination, assessment and collection of damages on account of such taking, and the owners of lands or other property taken by virtue hereof shall have all the rights and remedies and be subject to all the duties prescribed in said act.

SECTION 3. The metropolitan water board shall maintain and operate the works constructed by it, unless otherwise agreed by said board and the town of Clinton, until the sewage of said town shall have outgrown the normal capacity of the south branch of the Nashua river to properly dispose thereof; and then said board shall transfer to said town all the works, lands, water rights, rights of way, easements and other property constructed and acquired under the provisions hereof, upon such terms as may be agreed upon by said board and said town, and thereafter said works, lands, water rights, rights of way, easements and other property shall be owned, maintained and operated by the town of Clinton under the supervision and control of the state board of health, and said town shall pay to the Commonwealth for the property so transferred such sum or sums, if any, as may be agreed by said town and said board to be just and proper. All sums paid as aforesaid shall be applied to the payment of the expenses of construction of the metropolitan water works and the payment of damages incurred in connection therewith, and any part of such sums not required for these purposes shall be applied to the payment of the interest, sinking fund requirements, and expenses of maintenance and operation of said water

Works to be
maintained
and operated
by the metro-
politan water
board.

works. The supreme judicial court and the superior court, sitting in equity, shall in case of any refusal on the part of the town of Clinton to obey any order or decree made by said board of health in the exercise of the supervisory powers hereby conferred, enforce obedience to such order or decree by any appropriate process.

**Any matter in
controversy
may be re-
ferred to the
supreme
judicial
court.**

Proviso.

SECTION 4. If the metropolitan water board and the town of Clinton shall be unable to agree upon the proper time when or the terms under which the transfer of the works herein provided to be constructed should be made, as aforesaid, or what proper and just sum should be paid therefor, as aforesaid, either party may apply to the supreme judicial court for a determination of any matter in controversy, in the manner provided in sections fourteen and fifteen of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five: *provided, however,* that said town shall not, until two years after the transfer of the works, as aforesaid, lose, by operation of the statute of limitations, any right of recovery under the provisions of said act for damages sustained by any interference with its sewerage system or with its drainage rights or privileges; and if it so elect shall have the right to set off such damages against any claim for damages made for the transfer of said works, as aforesaid.

**Sewers,
drains, etc.,
may be laid
under and
along any
street, etc.**

**Works to be
deemed a part
of the metro-
politan water
works.**

SECTION 5. The metropolitan water board may, for the purposes of this act, carry the sewers, drains, pipes and conduits laid or constructed, as aforesaid, under and along any street, railroad or highway in such manner as not unnecessarily to obstruct the same, and may do any other act or thing proper for said purposes.

SECTION 6. The works constructed hereunder shall, while they remain under the control of the metropolitan water board, be deemed a part of the metropolitan water works, and all of the provisions of chapter four hundred and eighty-eight of the acts of the year eighteen hundred

and ninety-five relating to the incurring of expense for construction, maintenance and operation, to the payment of the costs thereof, to the sale and leasing of property, and to the disposal of the proceeds from the sales of property and from other operations of said board, and all other provisions of said act so far as they are applicable and not inconsistent herewith shall apply to the works constructed hereunder.

SECTION 7. The metropolitan water board shall save Towns of
Clinton and
Lancaster to
be exempt
from
damages. harmless the towns of Lancaster and Clinton from all damages for injuries resulting from any defect or want of repair in any road, street or highway, caused by digging up the same or by constructing, laying, maintaining or repairing any works to be constructed hereunder.

SECTION 8. No sewers or other works shall be constructed and maintained under the authority of this act until the plans have been approved by the state board of health. Plans to be
approved by
the state
board of
health.

SECTION 9. This act shall take effect upon its passage.
[Approved June 22, 1898.]

[Chapter 195 of the Acts of the Year 1899.]

AN ACT TO AUTHORIZE THE CITY OF SOMERVILLE TO LAY OUT AND MAINTAIN A PARKWAY.

Be it enacted, etc., as follows:

SECTION 1. The city of Somerville by its city council may at any time within three years after the passage of this act take from time to time in fee or otherwise, any lands and rights in lands within the limits of said city, upon such terms and conditions as said city council may deem advisable, by gift or purchase, or by right of eminent domain or otherwise, and hold the same in fee or otherwise, and maintain them for the purpose of a parkway or boulevard. Said parkway or boulevard may extend from Nathan Tuft's park, at the junction of City of
Somerville
may take
lands, etc.,
for a park-
way.

Broadway and Elm streets in Somerville, by such route and courses and of such width and to such part of the boundary line of said city on Mystic river or Alewife brook as said city council may determine.

Care and
control of
parkway,
etc.

SECTION 3. Said city council may make agreements with the metropolitan park commission, the metropolitan water board, the board of metropolitan sewerage commissioners, the city of Boston, or with any officer or board of said city of Boston having the care or control of any lands, rights, easements or interests in lands within the limits of said parkway, for the care and control, including police protection, and disposition of said lands, rights, easements and interests in lands, for such period and upon such terms and conditions as the parties to such agreements may deem expedient. Said city council may from time to time make agreements with the metropolitan park commission for the care and control, including police protection, of the whole or any part of said parkway. Conveyance of said parkway, lands, rights, easements and interests in lands may be made in accordance with any agreements made as authorized by this section.

When to
take effect.

SECTION 7. This act shall take effect upon its acceptance by a majority vote of each branch of the city council of said city, taken by yeas and nays.¹ [Approved March 28, 1899.]

[Chapter 306 of the Acts of the Year 1899.]

AN ACT RELATIVE TO CERTAIN SUITS FOR DAMAGES FOR PROPERTY TAKEN BY THE METROPOLITAN WATER BOARD.

Be it enacted, etc., as follows:

Petitions for
damages for
property
taken by the
metropolitan
water board.

SECTION 1. In any case where the lands, ponds, reservoirs, water sources, aqueducts or other property of any city or town, taken or used by the Commonwealth under

¹ Accepted by vote of City Council of Somerville April 27, 1899.

authority of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, are situated in more than one county, all petitions for damages authorized by said act which are now pending, or which may hereafter be brought, including petitions for damages caused by cancellation of the contracts mentioned in section seven of said statute, shall be consolidated and entered as one petition in the office of the clerk of the superior court for the county of Norfolk, and the superior court for said county shall have exclusive jurisdiction thereof.

1895, 488, § 7,
amended.

SECTION 2. In all such cases the court, upon application of either party, shall appoint three commissioners, who shall hear the parties and their evidence and make report of their findings to the court, and the findings of fact in such report shall be *prima facie* evidence thereof in any jury trial claimed as provided by statute. Said commissioners shall, at the request of either party, report their rulings upon all matters of law arising upon the hearing before them. Upon the return of the report the court may, at the request of either party, report for the determination of the supreme judicial court such questions of law presented by the report of the commissioners as either party may designate; and thereupon, in case the rulings of the commissioners on such questions of law shall be rejected or modified by the supreme judicial court, the case shall be remanded to the commissioners who shall, after hearing the arguments of the parties, file a final report determining and awarding damages sustained by the city or town, as aforesaid, in conformity with the opinion of the supreme judicial court upon such questions of law. If either party shall be dissatisfied with the amount of damages thus awarded by the commissioners such party may, within thirty days after the return of the final report of the commissioners, file a notice in writing claiming a jury trial; and thereupon the damages sustained by the

Commissioners to determine damages, appointment, duties, etc.

Damages may be determined by a jury in certain cases, etc.

city or town shall be determined by a jury in the superior court for said county. The expense of said hearings for stenography, printing and compensation of the commissioners shall be paid equally by the parties to the proceeding.

SECTION 3. This act shall take effect upon its passage.
[Approved April 27, 1899.]

[Chapter 308 of the Acts of the Year 1899.]

**AN ACT RELATIVE TO ORDERS, RULES AND REGULATIONS
MADE BY THE STATE BOARD OF HEALTH OR BY THE
METROPOLITAN WATER BOARD.**

Be it enacted, etc., as follows:

Publication
of certain
orders, rules,
etc., to be
deemed legal
notice.

1895, 488,
§ 24,
amended.

SECTION 1. The publication of any order, rule or regulation made by the state board of health, under authority of chapter five hundred and ten of the acts of the year eighteen hundred and ninety-seven, for the purpose of preventing the pollution and securing the sanitary protection of the waters and tributaries named therein used as sources of water supply, or the publication of any order, rule or regulation made either by the metropolitan water board or by the state board of health for the sanitary protection of the waters used by the metropolitan water board for the water supply of any city, town or water company, under the provisions of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, in a newspaper of the city or town in which such order, rule or regulation is to take effect, shall be deemed legal notice to all persons. If no newspaper is published in the city or town in which any such order, rule or regulation is to take effect, the posting of a copy thereof in some public place in said city or town shall be deemed legal notice to all persons.

SECTION 2. The affidavit of a person causing a notice Evidence of notice. to be so published or posted, being filed and recorded, with a copy of the notice, in the office of the clerk of any city or town in which any such order, rule or regulation is to take effect, shall be deemed evidence of the time, place and manner in which the notice was given.

SECTION 3. This act shall take effect upon its passage.
[Approved April 27, 1899.]

[Chapter 342 of the Acts of the Year 1899.]

**AN ACT TO EXTEND THE TIME WITHIN WHICH PETITIONS
 MAY BE FILED FOR DAMAGES SUSTAINED BY THE
 TAKING OF REAL ESTATE FOR THE METROPOLITAN
 WATER WORKS.**

Be it enacted, etc., as follows:

SECTION 1. Petitions under the provisions of section fourteen of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, or of section one of chapter four hundred and forty-five of the acts of the year eighteen hundred and ninety-seven, and acts in amendment thereof or in addition thereto, for the determination of damages for the taking of real estate may be filed, as provided by law, within two years after the actual taking by right of eminent domain of such real estate or of any interest therein, and petitions for the determination ^{Time within which certain petitions for damages may be filed extended.} ¹ of all other damage provided for in said acts ² may be filed on or before the first day of July in the year nineteen hundred and one.

SECTION 2. This act shall take effect upon its passage.
[Approved May 6, 1899.]

¹ Petitions for the taking of water rights without any land are to be filed within two years from date of taking. *Acts 1900, chap. 108.*

² Offers of surrender may be filed on or before July 1, 1901. *Acts 1900, chap. 108.*

Time is further extended to July 1, 1904. *Acts 1901, chap. 496.*

Time is further extended to July 1, 1905. *Acts 1904, chap. 186.*

[Chapter 349 of the Acts of the Year 1899.]

AN ACT RELATIVE TO SUPPLYING CERTAIN CITIES AND TOWNS WITH WATER FROM THE METROPOLITAN WATER SYSTEM.

Be it enacted, etc., as follows:

1895, 488,
§ 8, etc.,
amended.

To con-
struct, etc.,
a system of
metropolitan
water works.

Metropoli-
tan
Water
District.

Certain cities
and towns
may be ad-
mitted, etc.

SECTION 1. Section three of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, as amended by chapter three hundred and ninety-two of the acts of the year eighteen hundred and ninety-eight, is hereby amended by inserting after the word "town", in the thirtieth line, the words: — last referred to, — so as to read as follows: — *Section 3.* Said board, acting for the Commonwealth, shall construct, maintain and operate a system of metropolitan water works substantially in accordance with the plans and recommendations of the state board of health, contained in their report to the legislature of the year eighteen hundred and ninety-five, and shall provide thereby a sufficient supply of pure water for the following named cities and towns, and the inhabitants thereof, to wit: — The cities of Boston, Chelsea, Everett, Malden, Medford, Newton and Somerville, and the towns of Belmont, Hyde Park, Melrose, Revere, Watertown and Winthrop, which cities and towns shall constitute the Metropolitan Water District; shall secure and protect the purity of said water; shall on application furnish water to any city or town aforesaid that at the time of application owns its water pipe system; shall on application admit any other city or town, any part of which is within ten miles of the state house, into said water district, and furnish water to the same on the terms prescribed by this act for the cities and towns aforesaid, and on such payment of money as said board may determine; shall on application furnish water to any water company owning the water pipe system in any town within said

ten miles, on such water company assuming the assessments of the town, if any, and making such payment of money as said board may determine; and may from time to time furnish water to any other city, town or water company, on such payment of money as said board may determine: *provided*, that any such city or town last referred to shall first have acquired the works of any water company therein situated, constructed for the purpose of supplying said city or town or its inhabitants with water. All payments of money aforesaid shall be distributed to the cities and towns in said district in proportion to the total amount of the annual assessments theretofore paid by them respectively. Said board shall furnish said water to the city, town or company, by delivering the same into a main water pipe, reservoir or tank of the city, town or company, under sufficient pressure for use without local pumping, unless delivered in some other manner by mutual agreement between the parties interested; and shall have the direction and control of the connections between the metropolitan and local systems. Said board may utilize the fall of water at any dam under their charge, and may thereby produce power or electricity, and may transmit such power or electricity by pipes, wires, or other suitable means, and sell the same, or the right to use such water, by written or other contract, to run for a term not exceeding fifteen years. Any person or corporation authorized by said board shall have all the powers relating to the production, sale and transmission of power and electricity given by this act to said board.

Distribution
of payments
of money,
furnishing of
water, etc.

SECTION 2. This act shall take effect upon its passage.
[Approved May 9, 1899.]

[Chapter 349 of the Acts of the Year 1895.]

AN ACT RELATIVE TO SUPPLYING CERTAIN CITIES AND TOWNS WITH WATER FROM THE METROPOLITAN WATER SYSTEM.

Be it enacted, etc., as follows:

1895, 488,
§ 8, etc.,
amended.

To con-
struct, etc.,
a system of
metropolitan
water works.

Metropoli-
tan
Water
District.

Certain cities
and towns
may be ad-
mitted, etc.

SECTION 1. Section three of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, as amended by chapter three hundred and ninety-two of the acts of the year eighteen hundred and ninety-eight, is hereby amended by inserting after the word "town", in the thirtieth line, the words: — last referred to, — so as to read as follows: — *Section 3.* Said board, acting for the Commonwealth, shall construct, maintain and operate a system of metropolitan water works substantially in accordance with the plans and recommendations of the state board of health, contained in their report to the legislature of the year eighteen hundred and ninety-five, and shall provide thereby a sufficient supply of pure water for the following named cities and towns, and the inhabitants thereof, to wit: — The cities of Boston, Chelsea, Everett, Malden, Medford, Newton and Somerville, and the towns of Belmont, Hyde Park, Melrose, Revere, Watertown and Winthrop, which cities and towns shall constitute the Metropolitan Water District; shall secure and protect the purity of said water; shall on application furnish water to any city or town aforesaid that at the time of application owns its water pipe system; shall on application admit any other city or town, any part of which is within ten miles of the state house, into said water district, and furnish water to the same on the terms prescribed by this act for the cities and towns aforesaid, and on such payment of money as said board may determine; shall on application furnish water to any water company owning the water pipe system in any town within said

ten miles, on such water company assuming the assessments of the town, if any, and making such payment of money as said board may determine; and may from time to time furnish water to any other city, town or water company, on such payment of money as said board may determine: *provided*, that any such city or town last referred to shall first have acquired the works of any water company therein situated, constructed for the purpose of supplying said city or town or its inhabitants with water. All payments of money aforesaid shall be distributed to the cities and towns in said district in proportion to the total amount of the annual assessments theretofore paid by them respectively. Said board shall furnish said water to the city, town or company, by delivering the same into a main water pipe, reservoir or tank of the city, town or company, under sufficient pressure for use without local pumping, unless delivered in some other manner by mutual agreement between the parties interested; and shall have the direction and control of the connections between the metropolitan and local systems. Said board may utilize the fall of water at any dam under their charge, and may thereby produce power or electricity, and may transmit such power or electricity by pipes, wires, or other suitable means, and sell the same, or the right to use such water, by written or other contract, to run for a term not exceeding fifteen years. Any person or corporation authorized by said board shall have all the powers relating to the production, sale and transmission of power and electricity given by this act to said board.

Distribution
of payments
of money,
furnishing of
water, etc.

SECTION 2. This act shall take effect upon its passage.
[Approved May 9, 1899.]

[Chapter 480 of the Acts of the Year 1899.]

AN ACT RELATIVE TO DAMAGES OCCASIONED BY THE CONSTRUCTION OF BASINS OR RESERVOIRES FOR WATER SUPPLY IN THE TOWN OF ASHLAND.

Be it enacted, etc., as follows:

Certain sums
to be paid
to town of
Ashland.

SECTION 1. The treasurer of the Commonwealth shall pay as a part of the expenses of the metropolitan water works, to the town of Ashland so long as said town remains a municipality, the sum of twenty-two hundred dollars in the month of September in the year eighteen hundred and ninety-nine, and the like sum in the same month in each succeeding year until ten years after the reservoirs or basins situated in said town of Ashland cease to be a part of the metropolitan water system; but shall pay no tax and make no other payment to said town on account of any property held by said water board for the purpose of a water supply.

SECTION 2. This act shall take effect upon its passage.
[Approved June 3, 1899.]

[Chapter 108 of the Acts of the Year 1900.]

AN ACT TO EXTEND THE TIME FOR FILING PETITIONS FOR DAMAGES AND OFFERS OF SURRENDER OF REAL ESTATE, UNDER THE ACT TO PROVIDE FOR A METROPOLITAN WATER SUPPLY.

Be it enacted, etc., as follows:

1899, 342, § 1,
amended.

SECTION 1. Section one of chapter three hundred and forty-two of the acts of the year eighteen hundred and ninety-nine is hereby amended by inserting after the word "determination", in the tenth and eleventh lines, the words:— of damages for the taking of water rights where no land is taken in connection with such water rights, and for the determination, — and by inserting after

the word "acts", in the eleventh line, the words: — and offers of surrender of real estate provided for in said acts, — so as to read as follows: — *Section 1.* Petitions under the provisions of section fourteen of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, or of section one of chapter four hundred and forty-five of the acts of the year eighteen hundred and ninety-seven, and acts in amendment thereof or in addition thereto, for the determination of damages for the taking of real estate may be filed, as provided by law, within two years after the actual taking by right of eminent domain of such real estate or of any interest therein, and petitions for the determination of damages for the taking of water rights where no land is taken in connection with such water rights, and for the determination of all other damage provided for in said acts, and offers of surrender of real estate provided for in said acts, may be filed on or before the first day of July in the year nineteen hundred and one.¹

Time within
which certain
petitions for
damages, etc.,
may be filed
extended.

SECTION 2. This act shall not affect the provisions of chapter five hundred and fifty-seven of the acts of the year eighteen hundred and ninety-eight, and shall not extend the time for filing petitions for damages for the taking of land with which no water rights are connected, or for the taking of land with which water rights are connected when both such land and the water rights connected therewith are taken.

Certain pro-
visions of
the law, etc.,
not affected.

SECTION 3. This act shall take effect upon its passage.
[Approved February 23, 1900.]

¹ Time is extended to July 1, 1904. Acts 1901, chap. 498.
Time is further extended to July 1, 1905. Acts 1904, chap. 186.

[Chapter 340 of the Acts of the Year 1900.]

AN ACT TO AUTHORIZE THE METROPOLITAN PARK COMMISSION TO MAKE RULES AND REGULATIONS TO GOVERN THE PUBLIC USE OF THE CHARLES, NEPONSET AND MYSTIC RIVERS, AND OF PONDS AND OTHER WATERS ALONG WHICH IT HOLDS ABUTTING LANDS FOR PUBLIC OPEN SPACES.

Be it enacted, etc., as follows:

Metropolitan park commission may make rules, etc., to govern public use of certain rivers, etc.

Proviso.

Certain rights of cities, towns, etc., not affected.

SECTION 1. The metropolitan park commission may from time to time make rules and regulations to govern the public use of the Charles river, the Neponset river, and the Mystic river, within the metropolitan parks district, and of the ponds and other waters along which it holds abutting lands for public open spaces in said district, and for breaches thereof may affix penalties not exceeding twenty dollars for one offence, to be imposed by any court of competent jurisdiction; and in general may do all acts needful for the proper execution of the powers and duties granted to and imposed upon said board by this act: *provided*, that any rule or regulation affecting waters used for water supply purposes shall not take effect as to such waters until approved in writing by the water board or other officers of the state, district, city or town having control and charge of the same.

SECTION 2. Nothing in this act shall affect the rights of any city or town relating to its water supply, or the water rights of any person or corporation, whether a mill owner or otherwise.

SECTION 3. This act shall take effect upon its passage.
[Approved May 23, 1900.]

[Chapter 375 of the Acts of the Year 1900.]

AN ACT RELATIVE TO THE CONSTRUCTION OF THE METROPOLITAN WATER WORKS.

Be it enacted, etc., as follows:

SECTION 1. Chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five and acts in amendment thereof or in addition thereto shall be held to include the construction, maintenance and operation of an aqueduct from the so-called Sudbury reservoir in Southborough to a point in the town of Weston, of a reservoir near the end of such aqueduct, and of pipes for connecting such aqueduct or reservoir with distributing pipes, reservoirs and other works under the control of the metropolitan water board, substantially in accordance with the plans and recommendations of the state board of health contained in their report to the general court of the year eighteen hundred and ninety-five.

1895, 488,
etc., to in-
clude con-
struction, etc.,
of certain
aqueduct, etc.

SECTION 2. This act shall take effect upon its passage.

[Approved June 8, 1900.]

BOARD OF METROPOLITAN SEWERAGE COMMISSIONERS.

LEGISLATION 1889-1900.

[Chapter 439 of the Acts of the Year 1889.]

**AN ACT TO PROVIDE FOR THE BUILDING, MAINTENANCE
AND OPERATION OF A SYSTEM OF SEWAGE DISPOSAL
FOR THE MYSTIC AND CHARLES RIVER VALLEYS.**

Be it enacted, etc., as follows:

Metropolitan sewerage commissioners to be appointed.

Salaries.

Organization of board.

SECTION 1. The governor by and with the advice and consent of the council shall appoint three able and discreet men, inhabitants of the Commonwealth, who shall constitute a board¹ to be known as the metropolitan sewerage commissioners, and who shall hold office, one for the term of five years, one for the term of four years and one for the term of three years beginning with the first Monday in January in the year eighteen hundred and eighty-nine; and in the year eighteen hundred and ninety-two and annually thereafter the governor shall appoint, as aforesaid, one such commissioner to hold office for the term of three years beginning with the first Monday in January in the year of his appointment, and in case of any vacancy occurring in said board by resignation or otherwise shall in the same manner appoint a commissioner for the residue of the term, and may in the same manner remove any commissioner. The members of said board shall each receive the salary of three thousand dollars per year.

SECTION 2. Said board shall, as soon as may be after its appointment and annually thereafter on the first Monday of February of each year, organize by the choice of

¹ Board is abolished and Metropolitan Water and Sewerage Board is created. Acts 1901, chap. 168.

one of its members as chairman, and shall at the same meeting elect a clerk, who shall not be a member of said board, and may from time to time appoint such agents, officers and servants as it may deem necessary to carry out the purposes of this act, and may determine their duties and compensation and remove the same at pleasure. Said board shall be furnished with an office in some suitable place in the city of Boston in which the maps, plans and documents relating to its business, and to the sewers, land and other property in its charge, and records of all its doings shall be kept.

SECTION 3. Said board shall construct, maintain and operate for the cities of Boston, Cambridge, Somerville, Malden, Chelsea, Woburn, and the towns of Stoneham, Melrose, Winchester, Arlington, Belmont, Medford, Everett and Winthrop, such main sewers and other works as shall be required for a system of sewage disposal for said cities and towns, and for the cities of Boston, Waltham and Newton, and the towns of Watertown and Brookline¹ another such system, both of which systems shall be in substantial accordance with the plans reported and recommended by the state board of health in its report to the legislature of eighteen hundred and eighty-nine; and for that purpose may make all contracts

To construct,
maintain and
operate cer-
tain sewers.

183 Mass. 89.

¹ Part of Wakefield (Greenwood and Boyntonville) is added to north metropolitan district. Acts 1896, chap. 414.

The remaining part of Wakefield is added, and outlet is provided. Acts 1900, chap. 172.

Part of Lexington is added to north metropolitan district. Acts 1897, chap. 520.

Revere is added to north metropolitan district. Acts 1903, chap. 242. Additional outlet is authorised. Acts 1914, chap. 259.

Additional outlet is authorised for Stoneham, and also a branch sewer in Melrose. Acts 1897, chap. 436.

Additional outlets are authorised for Everett and certain sewers (in Malden) are taken. Acts 1898, chap. 215; Acts 1911, chap. 512.

Additional outlet is authorised for Everett and Chelsea, and also an extension of a trunk sewer in Chelsea. Acts 1900, chap. 184.

Additional sewerage facilities are authorised for Newton and Brookline, and also an extension of a trunk sewer in West Roxbury. Acts 1901, chap. 204.

Additional outlet is authorised for Belmont, and also an extension of the trunk sewer in Cambridge. Acts 1903, chap. 336.

Extension of metropolitan sewer in Malden is authorized. Acts 1906, chap. 319.

New Mystic sewer is authorised. Acts 1912, chap. 461.

Branch sewer in Somerville is authorised. Acts 1913, chap. 377.

necessary for the construction of the sewers and works aforesaid, or may where deemed advisable carry on such construction by day labor. Said board may from time to time contract with any other city or town for the extension thereto of either of said systems of sewage disposal, and for the reception and disposal of sewage therefrom.¹

Board may take lands, etc., by purchase or otherwise.

To cause to be recorded in registry of deeds a description of lands, etc., taken.

158 Mass. 526. **163 Mass. 386.** **164 Mass. 368.** **166 Mass. 480.** **169 Mass. 108.** **181 Mass. 488.**
Damages.

SECTION 4. Said board acting on behalf of the Commonwealth may take by purchase or otherwise any lands, water-courses, rights of way or easements, and may take by purchase or otherwise² or enter and use any existing sewers or parts of sewers necessary for the carrying out under the provisions of this act of the recommendations and plans of said state board of health contained in its said report. When any lands, water-courses, rights of way or easements, or any sewers or parts of sewers are so taken or entered and used in any manner other than by purchase or agreement, said board shall within thirty days of said taking or entering and using cause to be recorded in the registry of deeds for the county or district in which such lands, water-courses, rights of way or easements, or sewers or parts of sewers lie, a description³ of the same as certain as is required in a common conveyance of land, with a statement of the purpose for which the same is taken or entered and used, which description shall be signed by a majority of said board; and the fee of the lands,⁴ water-courses, rights of way or easements, or sewers or parts of sewers so taken or purchased shall vest in the Commonwealth, which shall pay, in the manner hereinafter described, all damages that shall be sustained by any person or corporation by reason of such taking or entering as aforesaid. Such damages to be agreed upon

¹ See the act providing for sewage of Neponset River valley, Acts 1895, chap. 406; also the resolve for report, etc., on High-level Sewer, Res. 1898, chap. 4; also the act providing for relief of Charles and Neponset River valleys, by High-level Gravity Sewer, and establishing south metropolitan district, Acts 1899, chap. 424; the Watertown siphon is to become part of works. Acts 1900, chap. 464.

² Board may sell property. Acts 1892, chap. 251.

³ Time of taking is fixed by record of description. Acts 1902, chap. 101.

⁴ Easements, or estates less than the fee are included. Acts 1890, chap. 270.

by said board and the person or corporation injured; and if the parties cannot agree a jury in the superior court of the county in which the property taken or damaged is situated may be had to determine the same in the same manner as a jury is had and damages are determined in the case of persons dissatisfied with the estimate of damages sustained by the laying out of ways in the city of Boston: *provided, however,* that no suit for such damages shall be brought after the expiration of two years from the date of the recording of the taking or entering as herein required.

SECTION 5. Said board may, for the purposes aforesaid, carry and conduct any sewer by it to be made and constructed under or over any water-course, or any street, turnpike road, railroad, highway or other way in such manner as not unnecessarily to obstruct or impede travel thereon; and may enter upon and dig up any such road, street or way for the purpose of laying down sewers beneath the surface thereof and for maintaining and repairing the same; and in general may do any other acts and things necessary or convenient and proper for the purposes of this act. In entering upon and digging up any such road, street or way of public travel it shall be subject to such reasonable regulations as may be made by the mayor and aldermen or selectmen of the cities and towns respectively wherein such works shall be performed.

SECTION 6. Whenever said board shall dig up any road, street or way, as aforesaid, it shall so far as practicable restore the same to as good order and condition as the same was in when such digging commenced. And the Commonwealth shall at all times indemnify and save harmless the several cities and towns within which such roads, streets or ways may be against all damages which may be recovered against them respectively, and shall reimburse to them all expenses which they shall incur by reason of any defect or want of repair in any road, street or way caused by the construction of any of said sewers, or by the maintaining

Suit for damages not to be brought after two years from recording, etc.
May carry sewer over or under street, water-course, etc.
164 Mass. 350.
178 Mass. 507.

158 Mass. 526.
164 Mass. 1.
169 Mass. 108.
188 Mass. 307.

Roads and streets to be restored to good order and condition.

Proviso. or repairing of the same: *provided*, that said board shall have due and reasonable notice of all claims for such damages or injury and opportunity to make a legal defence thereto.

May change direction of any water-course, etc.

SECTION 7. Said board may also alter or change the course or direction of any water-course, or may with the consent of the mayor and aldermen of cities or selectmen of towns alter or change the location or grade of any highway, townway, public street or way of travel crossed by any sewers constructed under the provisions of this act, or in which such sewers may be located.

Accurate accounts to be kept.

SECTION 8. Said board shall at all times keep for each of said systems full, accurate and separate accounts of its receipts, expenditures, disbursements, assets and liabilities, and shall include an abstract of the same in its annual report to the general court.

Connection of local sewers with main sewers.

SECTION 9. Any city or town within whose limits any main sewer shall have been constructed under the provisions of this act shall connect its local sewers with such main sewer, subject to the direction and control of said board, and any person, firm or corporation may, subject to the direction, control and regulation from time to time of said board, and subject to such terms, conditions and regulations as each city or town may prescribe, connect private drains with said main sewer.

Penalties for injury to property.

SECTION 10. Any person or persons who shall wantonly or maliciously destroy or injure any sewer or other property, held or used by said board by the authority and for the purposes of this act, shall forfeit and pay to the Commonwealth three times the amount of the damages that shall be assessed therefor; to be recovered by any proper action. And every such person or persons may, on indictment and conviction of either of the wanton or malicious acts aforesaid, be punished by a fine not exceeding one thousand dollars and imprisonment not exceeding one year.

SECTION 11. The state board of health shall, on the organization of the board created by this act, transfer and deliver over to said board all books, plans, maps, engineers' reports, instruments and other property acquired during the surveys and investigations relating to the systems of sewage disposal for the Mystic and Charles river valleys on which the report of the said board of health, hereinbefore referred to, was founded.

Plans, maps,
etc., to be de-
livered over
to the board
by the state
board of
health.

SECTION 12. To meet the expenses incurred under the provisions of this act, the treasurer and receiver-general shall with the approval of the governor and council issue from time to time scrip or certificates of debt in the name and behalf of the Commonwealth and under its seal to an amount not exceeding five million dollars, for a term not exceeding forty years.¹ Said scrip or certificates of debt shall be issued as registered bonds or with interest coupons attached, and shall bear interest not exceeding four per cent. per annum, payable ² semi-annually on the first days of March and September in each year. Such scrip or certificates of debt shall be designated on the face as the Metropolitan Sewerage Loan; shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth redeemable at the time specified therein in the lawful money of the United States, and shall be sold and disposed of at public auction, or in such other mode, and at such times and prices, and in such amounts and at such rate of interest not exceeding four per centum per annum as the governor and council shall deem for the best interest of the state. The treasurer and receiver-general shall on issuing any of said scrip or certificates of debt establish a sinking fund,³ and apportion thereto from year to year an amount sufficient with its accumulations to extinguish the debt at maturity. But in such apportionment of a sinking fund the assessment shall

Metropolitan
sewerage
loan not to
exceed
\$5,000,000.

¹ For additional loans see table of Appropriations, Appendix No. 1.

² Scrip or certificates are to be redeemed in gold. Acts 1890, chap. 94.

³ Treasurer is authorised to consolidate sinking funds. Acts 1899, chap. 122.

be at the rate of one eightieth part of the whole amount in each of the first ten years, one sixtieth part in each of the second ten years, one thirtieth part in each of the third ten years and the remainder equally divided in the next ten years. Any premium realized in the sale of said scrip or certificates of debt shall be applied to the payment of the interest ¹ on said loan as it accrues.

Premium on
scrip to be
applied to
payment of
interest.

Amounts to
be paid by
the several
cities and
towns for five
years to be
determined by
commissioners
appointed by
the supreme
judicial court.

SECTION 13. The supreme judicial court sitting in equity shall, on the application of said board after notice to each of the cities and towns hereinbefore named, appoint three commissioners, who shall not be residents of any of the cities or towns mentioned in this act, who shall after due notice and hearing and in such manner as they shall deem just and equitable determine ² for each system the proportion in which each of the cities and towns hereinbefore named shall annually pay money into the treasury of the Commonwealth for the term of five years next following the year of the first issue of said scrip or certificates, to meet the interest and sinking fund requirements for each of said years as estimated by said treasurer, and to meet the cost of maintenance and operation of said system for each of said years, as estimated by the said board and certified to said treasurer, and any deficiency in the amount previously paid in, as found by said treasurer, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners and shall be binding on all parties.

After expira-
tion of five
years other
commissioners
to be ap-
pointed for
like purpose.

SECTION 14. Before the expiration of said term of five years and every five years thereafter other commissioners, who shall not be residents of any of the cities or towns mentioned in this act, shall be appointed as aforesaid, who

¹ Money forfeited by bidders, or received for breach of contract is to be applied to payment of interest. Acts 1891, chap. 192.

Premiums from sale of bonds to be paid into sinking fund. Acts 1906, chap. 338.

² Basis for determining annual assessments fixed. Acts 1906, chap. 339.

shall in such manner as they deem just and equitable determine the proportion in which each of said cities and towns in each of said systems shall annually pay money into the treasury of the Commonwealth as aforesaid for the next succeeding term of five years, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners and shall be binding on all parties.

SECTION 15. The amount of money required each year from each such city and town to meet the interest, sinking fund requirements and cost aforesaid for that system in which it is included for each year, and deficiency, if any, shall be estimated by said treasurer in accordance with the proportion determined as aforesaid, and shall be included in and made a part of the sum charged to such city or town, and be assessed upon it in the apportionment and assessment of its annual state tax, and said treasurer shall in each year notify each such city and town of the amount of such assessment, which amount shall be paid by the city or town into the treasury of the Commonwealth at the time required for the payment and as a part of its state tax.

Amount required from each city and town to be estimated by treasurer, and assessed and collected with the state tax.

SECTION 16. The supreme judicial court shall have jurisdiction in equity to enforce the provisions of this act, and shall fix and determine the compensation of all commissioners appointed by said court under the provisions hereof.

Supreme judicial court to have jurisdiction in equity.

SECTION 17. This act shall take effect upon its passage.
[Approved June 7, 1889.]

[Chapter 24 of the Acts of the Year 1890.]

AN ACT TO PROVIDE THAT BONDS ISSUED FOR THE METROPOLITAN SEWERAGE LOAN SHALL BE REDEEMABLE IN GOLD OR ITS EQUIVALENT.

Be it enacted, etc., as follows:

**1889, 439, § 5, amended.
Payable in gold coin or its equivalent.** SECTION 1. The interest and principal of the scrip or certificates of debt issued by the treasurer of the Commonwealth under authority of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, for the metropolitan sewerage loan, shall be payable, and when due shall be paid, in gold coin or its equivalent.

SECTION 2. This act shall take effect upon its passage.

[Approved March 14, 1890.]

[Chapter 270 of the Acts of the Year 1890.]

AN ACT AUTHORIZING THE METROPOLITAN SEWERAGE COMMISSIONERS TO PURCHASE OR TAKE IN BEHALF OF THE COMMONWEALTH AN EASEMENT IN LANDS, WATER-COURSES AND RIGHTS OF WAY.

Be it enacted, etc., as follows:

1889, 439, § 4, amended. SECTION 1. Section four of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine is hereby amended by adding after the word "lands", in the twentieth line thereof, the words:— or if an easement or other estate less than the fee therein be specified and described in the deed of purchase, or the description and statement of taking to be recorded as aforesaid, such easement or estate therein as is so specified and described, and the,— so that said section as amended shall read as follows:— *Section 4.* Said board acting on behalf of the Commonwealth may take by purchase or otherwise any lands, water-courses, rights of way or

Board may take lands, etc., by purchase or otherwise.

easements, and may take by purchase or otherwise or enter and use any existing sewers or parts of sewers necessary for the carrying out under the provisions of this act of the recommendations and plans of said state board of health contained in its said report. When any lands, water-courses, rights of way or easements, or any sewers or parts of sewers are so taken or entered and used in any manner other than by purchase or agreement, said board shall within thirty days of said taking or entering and using cause to be recorded in the registry of deeds for the county or district in which such lands, water-courses, rights of way or easements, or sewers or parts of sewers lie, a description of the same as certain as is required in a common conveyance of land, with a statement of the purpose for which the same is taken or entered and used, which description shall be signed by a majority of said board; and the fee of the lands, or if an easement or other estate less than the fee therein be specified and described in the deed of purchase, or the description and statement of taking to be recorded as aforesaid, such easement or estate therein as is so specified and described, and the water-courses, rights of way or easements, or sewers or parts of sewers so taken or purchased shall vest in the Commonwealth, which shall pay, in the manner hereinafter described, all damages that shall be sustained by any person or corporation by reason of such taking or entering as aforesaid. Such damages to be agreed upon by said board and the person or corporation injured; and if the parties cannot agree a jury in the superior court of the county in which the property taken or damaged is situated may be had to determine the same in the same manner as a jury is had and damages are determined in the case of persons dissatisfied with the estimate of damages sustained by the laying out of ways in the city of Boston: *provided*, however, that no suit for such damages shall be brought after the expiration of two years from the date of

the recording of the taking or entering as herein required.

SECTION 2. This act shall take effect upon its passage.
[Approved May 5, 1890.]

[Chapter 192 of the Acts of the Year 1891.]

AN ACT TO PROVIDE FOR THE DISPOSITION OF CERTAIN MONEY RECEIVED BY THE TREASURER AND RECEIVER-GENERAL OF THE COMMONWEALTH FROM THE BOARD OF METROPOLITAN SEWERAGE COMMISSIONERS.

Be it enacted, etc., as follows:

Money forfeited by bidders to be applied to payment of interest of loan issued under 1889, chap. 439.

SECTION 1. Any money which has been or may be collected or received by the treasurer and receiver-general of the Commonwealth from checks deposited with the board of metropolitan sewerage commissioners by bidders for work, and by said board declared forfeited, and any and all sums collected or received by said treasurer and receiver-general for breach of any condition of any contract made with said board, shall be applied to the payment of interest upon the loan issued under authority of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, known as the metropolitan sewerage loan.

SECTION 2. This act shall take effect upon its passage.
[Approved April 11, 1891.]

[Chapter 251 of the Acts of the Year 1892.]

AN ACT AUTHORIZING THE BOARD OF METROPOLITAN SEWERAGE COMMISSIONERS TO SELL CERTAIN PROPERTY TAKEN OR PURCHASED FOR SEWERAGE PURPOSES.

Be it enacted, etc., as follows:

Commissioners may sell property not

SECTION 1. The board of metropolitan sewerage commissioners may from time to time, and at public or private

sale as they may deem best, dispose of any property, real or personal, no longer needed for the construction of the sewer authorized by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine and acts in amendment thereof: *provided, however,* that such sale shall not impair the right to maintain, renew and operate said sewer.

SECTION 2. Real estate so sold may be conveyed, subject to such easements, reservations and restrictions as said board may deem necessary to secure the maintenance, renewal and operation of said sewer, by deed duly executed by said commissioners on behalf of the Commonwealth, with or without warranty.

SECTION 3. The net proceeds of such sales, after deducting all necessary expenses incurred thereby, shall be paid into the treasury of the Commonwealth and shall be credited to and form a part of the fund known as the metropolitan sewerage loan fund authorized by the act aforesaid.

SECTION 4. This act shall take effect upon its passage.
[Approved May 6, 1892.]

.[Chapter 307 of the Acts of the Year 1894.]

**AN ACT RELATIVE TO THE MAINTENANCE AND OPERATION
 OF THE METROPOLITAN SEWERAGE SYSTEM.**

Be it enacted, etc., as follows:

SECTION 1. To meet the expenses incurred under the provisions of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine the treasurer and receiver-general shall, with the approval of the governor and council, issue from time to time scrip or certificates of debt, in the name and behalf of the Commonwealth and under its seal to an amount not exceeding five hundred thousand dollars¹ for a term not exceeding \$500,000.00.

¹ For additional loans see table of Appropriations, Appendix No. 1.

Sinking
fund.

thirty-six years. Said scrip or certificates of debt shall be issued as registered bonds or with interest coupons attached, and shall bear interest at a rate not exceeding four per cent. per annum payable semi-annually on the first days of March and September in each year. Said interest and scrip or certificates shall be payable, and when due shall be paid, in gold coin or its equivalent. Said scrip or certificates of debt shall be designated on their face as the Metropolitan Sewerage Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth, redeemable at the time specified therein in gold coin or its equivalent, and shall be sold and disposed of at public auction or in such other mode and at such times and prices and in such amounts and at such rate of interest, not exceeding four per cent. per annum, as the governor and council shall deem for the best interests of the Commonwealth. Any scrip or certificates of debt issued under the provisions of this act shall be considered as an addition to and shall become a part of the loan authorized by said chapter four hundred and thirty-nine, and the sinking fund¹ established under the provisions of said chapter shall be a sinking fund for the extinguishment of the debt authorized by this act, said fund to be increased in the following manner:—The treasurer and receiver-general shall from year to year, beginning with the year eighteen hundred and ninety-four, apportion to said sinking fund an amount sufficient with its accumulations to extinguish the debt at maturity, and in making the assessment for the increase of said sinking fund, upon the several cities and towns liable thereto, one forty-eighth part of the whole amount shall be assessed in each of the first six years, beginning with the year eighteen hundred and ninety-four; one sixtieth part in each of the next ten years, beginning with the year nineteen hundred; one thirtieth part in each of the next ten years, beginning with the year nineteen hundred and ten; and

¹ Treasurer is authorized to consolidate sinking funds. Acts 1899, chap. 122.

the remainder shall be equally divided in the next ten years, beginning with the year nineteen hundred and twenty. Any premium realized from the sale of said scrip or certificates of debt shall be applied to the payment of the interest¹ on said loan as it accrues.

Premium on
scrip to be
applied to
payment of
interest.

SECTION 2. Each of the cities and towns hereinafter named shall, in the year eighteen hundred and ninety-four and also in the year eighteen hundred and ninety-five, pay money into the treasury of the Commonwealth to meet the interest and sinking fund requirements for each of said years, as estimated by said treasurer, in the following proportions to wit:— Arlington, two and forty-five one hundredths per cent.; Belmont, one and fifty-three one hundredths per cent.; Boston, twenty and forty-five one hundredths per cent.; Cambridge, twenty-seven and eighty-seven one hundredths per cent.; Chelsea, eight and forty-six one hundredths per cent.; Everett, three and ten one hundredths per cent.; Malden, seven and forty-seven one hundredths per cent.; Medford, four and ninety-four one hundredths per cent.; Melrose, two and sixty-five one hundredths per cent.; Somerville, twelve and eighty-three one hundredths per cent.; Stoneham, one and thirty-three one hundredths per cent.; Winchester, one and ninety-nine one hundredths per cent.; Winthrop, one and thirty-two one hundredths per cent.; Woburn, three and sixty-one one hundredths per cent.

Proportions
to be paid by
certain cities
and towns.

SECTION 3. The supreme judicial court sitting in equity shall on the application of the board of metropolitan sewerage commissioners, made to said court in the year eighteen hundred and ninety-five, after notice to each of the cities and towns named in said chapter four hundred and thirty-nine, appoint three commissioners, who shall not be residents of any of the cities or towns mentioned in said chapter, who shall, after due notice and hearing and in such manner as they deem just and equi-

Appointment
of commis-
sioners to deter-
mine amounts
to be paid by
cities and
towns, etc.

¹ Premiums from sale of bonds to be paid into sinking fund. Acts 1906, chap. 388.

table, determine ¹ for each system established by said chapter the proportion in which each of the cities and towns therein named shall annually pay money into the treasury of the Commonwealth for the term of five years next following the year eighteen hundred and ninety-five, to meet the interest and sinking fund requirements for the said five years, as estimated by said treasurer, and any deficiency in the amount previously paid in, as found by said treasurer, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners and shall be binding on all parties.

Commissioners to be appointed every five years.

SECTION 4. Before the expiration of said term of five years, and every five years thereafter, other commissioners, who shall not be residents of any of the cities or towns mentioned in said chapter, shall be appointed as aforesaid, upon application of said board as aforesaid, who shall in such manner as they deem just and equitable determine the proportion in which each of said cities and towns in each of said systems shall annually pay money into the treasury of the Commonwealth as aforesaid for the next succeeding term of five years, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners and shall be binding on all parties.

Amount required from each city and town to be estimated by treasurer, etc.

SECTION 5. The amount of money required each year from each city and town named in said chapter four hundred and thirty-nine, to meet the interest, sinking fund requirements and cost aforesaid for that system in which in said act it is included for each year, and deficiency, if any, shall be estimated by said treasurer in accordance with the proportion determined as aforesaid, and shall be

¹ Basis for determining annual assessments fixed. Acts 1906, chap. 369.

included in and made a part of the sum charged to such city or town, and be assessed upon it in the apportionment and assessment of its annual state tax, and said treasurer shall in each year notify each such city and town of the amount of such assessment, which amount shall be paid by the city or town into the treasury of the Commonwealth at the time required for the payment and as a part of its state tax.

SECTION 6. The supreme judicial court shall have jurisdiction in equity to enforce the provisions of this act, and shall fix and determine the compensation of all commissioners appointed by said court under the provisions hereof.

SECTION 7. This act shall take effect upon its passage.
[Approved April 25, 1894.]

Supreme judicial court
to determine
compensation
of commis-
sioners, etc.

[Chapter 294 of the Acts of the Year 1895.]

**AN ACT RELATIVE TO THE MAINTENANCE AND OPERATION
OF THE METROPOLITAN SEWERAGE SYSTEM.**

Be it enacted, etc., as follows:

SECTION 1. To meet the expenses incurred under the provisions of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine as amended by chapter three hundred and seven of the acts of the year eighteen hundred and ninety-four, the treasurer and receiver-general shall, with the approval of the governor and council, issue from time to time scrip or certificates of debt, in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding three hundred thousand dollars,¹ for a term not exceeding \$300,000.00. Metropolitan
Sewerage
Loan.

thirty-five years. Said scrip or certificates of debt shall be issued as registered bonds or with interest coupons attached, and shall bear interest at a rate not exceeding four per cent. per annum, payable semi-annually on the

¹ For additional loans see table of Appropriations, Appendix No. 1.

first days of March and September in each year. Said interest and scrip or certificates shall be payable, and when due shall be paid, in gold coin or its equivalent. Said scrip or certificates of debt shall be designated on their face, Metropolitan Sewerage Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth, redeemable at the time specified therein, in gold coin or its equivalent, and shall be sold or disposed of at public auction or in such other mode and at such times and prices and in such amounts and at such rate of interest, not exceeding four per cent. per annum, as the treasurer and receiver-general, with the approval of the governor and council, shall deem for the best interests of the Commonwealth. Any scrip or certificates of debt issued under the provisions of this act shall be considered as an addition to and shall become a part of the loan authorized by said chapter four hundred and thirty-nine as amended by said chapter three hundred and seven, and the sinking fund¹ established under the provisions of said chapters shall be a sinking fund for the extinguishment of the debt authorized by this act, said funds to be increased in the following manner:—The treasurer and receiver-general shall from year to year, beginning with the year eighteen hundred and ninety-five, apportion to said sinking fund an amount sufficient with its accumulations to extinguish the debt at maturity, and in making the assessment for the increase of said sinking fund, upon the several cities and towns liable thereto, one fortieth part of the whole amount shall be assessed in each of the first five years, beginning with the year eighteen hundred and ninety-five; one sixtieth part in each of the next ten years, beginning with the year nineteen hundred; one thirtieth part in each of the next ten years, beginning with the year nineteen hundred and ten; and the remainder shall be equally divided in the next ten years,

To be an
addition to
and part of
loan author-
ized by 1889,
chap. 489,
etc.

Payment
of debt.

¹ Treasurer is authorized to consolidate sinking funds. Acts 1889, chap. 122.

beginning with the year nineteen hundred and twenty. Any premium realized from the sale of said scrip or certificates of debt shall be applied to the payment of the interest¹ on said loan as it accrues.

SECTION 2. Each of the cities and towns hereinafter named shall, in the year eighteen hundred and ninety-five, pay money into the treasury of the Commonwealth to meet the interest and sinking fund requirements for said year, as estimated by said treasurer, in the following proportions, to wit:— Arlington, two and forty-five one hundredths per cent.; Belmont, one and fifty-three one hundredths per cent.; Boston, twenty and forty-five one hundredths per cent.; Cambridge, twenty-seven and eighty-seven one hundredths per cent.; Chelsea, eight and forty-six one hundredths per cent.; Everett, three and ten one hundredths per cent.; Malden, seven and forty-seven one hundredths per cent.; Medford, four and ninety-four one hundredths per cent.; Melrose, two and sixty-five one hundredths per cent.; Somerville, twelve and eighty-three one hundredths per cent.; Stoneham, one and thirty-three one hundredths per cent.; Winchester, one and ninety-nine one hundredths per cent.; Winthrop, one and thirty-two one hundredths per cent.; Woburn, three and sixty-one one hundredths per cent.

SECTION 3. The commissioners appointed by the supreme judicial court sitting in equity, on the application of the board of metropolitan sewerage commissioners made to said court in the year eighteen hundred and ninety-five, in accordance with the provisions of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, shall after due notice and hearing to each of the cities and towns named in this act, in such manner as they shall deem just and equitable determine² the proportion in which each of said cities and

Proportions
to be paid by
certain cities
and towns.

Amounts to
be paid by
cities and
towns for five
years to be
determined
by commis-
sioners.

¹ Premiums from bonds to be paid into sinking fund. Acts 1906, chap. 338.

² Basis for determining annual assessments fixed. Acts 1906, chap. 369.

towns shall annually pay money into the treasury of the Commonwealth for the term of five years next following the year eighteen hundred and ninety-five to meet the interest and sinking fund requirements for each of said years as estimated by said treasurer, and to meet the cost of maintenance and operation for each of said years of the system of sewage disposal provided for said cities and towns, as estimated by the said board and certified to said treasurer, and any deficiency in the amount previously paid in, as found by said treasurer, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners and shall be binding on all parties.

Commissioners, appointment, term, etc.

SECTION 4. Before the expiration of the said term of five years, and every five years thereafter, the supreme judicial court sitting in equity shall, on the application of the board of metropolitan sewerage commissioners, after notice to each of the cities and towns named in said chapter four hundred and thirty-nine, appoint three commissioners who shall not be residents of any of said cities or towns, who shall in such manner as they deem just and equitable determine the proportion in which each of said cities and towns shall annually pay money into the treasury of the Commonwealth as aforesaid for the next succeeding term of five years, and shall return their award into said court, and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners and shall be binding on all parties.

Treasurer to estimate amount required each year from each city and town, etc.

SECTION 5. The amount of money required each year from each city and town named in said chapter four hundred and thirty-nine to meet the interest, sinking fund requirements and cost aforesaid for that system in which in said act it is included for each year, and deficiency, if any, shall be estimated by said treasurer in accordance

with the proportion determined as aforesaid, and shall be included in and made a part of the sum charged to such city or town, and be assessed upon it in the apportionment and assessment of its annual state tax, and said treasurer shall in each year notify each such city and town of the amount of such assessment, which amount shall be paid by the city or town into the treasury of the Commonwealth at the time required for the payment and as a part of its state tax.

SECTION 6. The supreme judicial court shall have jurisdiction in equity to enforce the provisions of this act, and shall fix and determine the compensation of all commissioners appointed by said court under the provisions hereof.

SECTION 7. This act shall take effect upon its passage.
[Approved April 20, 1895.]

[Chapter 406 of the Acts of the Year 1895.]

**AN ACT TO PROVIDE FOR A SYSTEM OF SEWAGE DISPOSAL
 FOR THE NEPONSET RIVER VALLEY.**

Be it enacted, etc., as follows:

SECTION 1. The board of metropolitan sewerage commissioners, constituted under the authority of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine shall, for the purpose of constructing, maintaining and operating a system of sewage disposal for the city of Boston and the towns of Dedham, Hyde Park and Milton, construct, maintain and operate such main sewers and other works as said board shall deem necessary for carrying out said purposes, in accordance with such plans as the said board or a majority thereof may approve and adopt, subject to the approval of the state board of health, may take by purchase or otherwise and use as part of said main sewers the sewer or part of sewer now or hereafter built by the city of

Metropolitan sewerage commissioners to construct a system of sewage disposal for city of Boston and certain towns.

Boston between Granite bridge, so-called, and Central avenue, in the Dorchester district of said Boston.¹ Said board, for the purposes aforesaid, may make all contracts necessary for the construction of the sewers and works aforesaid, and may, where deemed advisable, carry on said construction by day labor.

May carry sewer under or over streets, etc.

SECTION 2. Said board may, for the purposes aforesaid, carry and conduct any sewer by it to be made and constructed under or over any water-course or any street, turnpike road, railroad, highway or other way in such manner as not unnecessarily to obstruct or impede travel thereon; and may enter upon and dig up any such road, street or way for the purpose of laying sewers beneath the surface thereof and for maintaining and repairing the same; and in general may do any other acts and things necessary or convenient and proper for the purposes of this act. In entering upon or in digging up any such road, street or way used for public travel said board shall be subject to such reasonable regulations as may be made by the mayor and aldermen or selectmen of the city and towns respectively wherein such works are performed.

Streets, etc., to be restored to good order, etc.

SECTION 3. Whenever said board digs up any road, street or way, as aforesaid, it shall, so far as practicable, restore the same to as good order and condition as the same was in when such digging was commenced. And the Commonwealth shall at all times indemnify and save harmless the several cities and towns within which such roads, streets or ways are situated, against all damages which may be recovered against them respectively, and shall reimburse them for all expenses which they shall incur by reason of any defect or want of repair in any road, street or way caused by the construction of any of said sewers, or by the maintaining or repairing of the

¹ Board is authorized to report upon high-level sewer for Charles and Neponset River valleys. Res. 1898, chap. 4.

Board is authorized to construct high-level sewer. South metropolitan district is established. Acts 1899, chap. 424.

same: *provided*, that said board shall have reasonable notice of all claims for such damages or injury and opportunity to make a legal defence thereto.

SECTION 4. Said board may also alter or change the course or direction of any water-course, or may, with the consent of the mayor and aldermen of cities or selectmen of towns, alter or change the location or grade of any highway, town way, public street or way of travel crossed by any sewers constructed under the provisions of this act, or in which such sewers may be located.

*May change
direction of
any water-
course, etc.*

SECTION 5. Said board, acting in behalf of the Commonwealth, may take by purchase or otherwise any lands in fee and any rights or easements in lands, water-courses or ways that it deems necessary to carry out the purposes of this act, and to take any such land, right or easement in any manner other than by purchase, or to take any sewer or part of a sewer as hereinbefore provided, shall cause to be recorded in the registry of deeds for the county and district in which such lands, rights, easements or sewer or part of a sewer lie, a statement signed by said board describing the same as certainly as is required in a common conveyance of land, and stating that the same are taken for the purposes of this act, and the lands, rights, easements or sewer or part of a sewer so described shall vest in the Commonwealth.

*May take
certain lands,
water-
courses, etc.*

SECTION 6. The Commonwealth shall pay, in the manner hereinafter described, all damages sustained by any person or corporation by any such taking. And if said board and such person or corporation cannot agree as to the amount so to be paid, either said board or said person or corporation may petition the superior court of the county in which the property taken or injured is situated for a jury to determine said damages; and thereupon the same proceedings shall be had as provided in case of applications for a jury by persons dissatisfied with the damages awarded for land taken for the laying out of highways

175 Mass. 299.

Damages.

Proviso.

in the city of Boston: *provided*, that no such application for a jury shall be made after the expiration of two years from the date of such taking.

Sewage may be discharged into sewerage system of city of Boston, etc.
Repealed, 1897, 502, § 4.

SECTION 7.¹ Said board may cause the sewage from its said main sewer to be discharged into the sewerage system of the city of Boston, and if so shall pay therefor such compensation as shall be agreed upon by the engineer of said board and the city engineer of the city of Boston; and if they cannot agree upon such compensation then the same shall be determined by an arbitrator to be appointed by any justice of the supreme judicial court sitting in equity in the county of Suffolk, and the award of said arbitrator made and accepted by said court shall be final and conclusive for such term of years as shall be agreed upon by said parties, or shall be ordered by said arbitrator and approved by said court.

Accounts of receipts and expenditures, etc.

SECTION 8. Said board shall at all times keep for said system full, accurate and separate accounts of its receipts, expenditures, disbursements, assets and liabilities, and shall include an abstract of the same in its annual report to the general court.

Connection of local sewers with main sewers, etc.

SECTION 9.² The city and towns aforesaid shall connect their local sewers with such main sewers, subject to the direction and control of said board, and any person or corporation may, subject to the direction and control of said board and on such terms, conditions and regulations as the city or town may prescribe, connect private drains with said main sewers, and for the purpose of making such connections, the city or town may extend its sewers across the Neponset river in such manner as the board of harbor and land commissioners may approve, and shall, in respect to all work and structures in tide water,

¹ Section 7 is repealed. Provision is made for the temporary discharge of Charles and Neponset River valley sewage through the Boston sewers at Moon Island. Acts 1897, chap. 502.

² Section 9 is amended by slight changes as to sewer connections and as to the provisions for extension of sewers into Milton. Acts 1897, chap. 80.

be subject to the provisions of chapter nineteen of the Public Statutes, and of all acts in amendment thereof or in addition thereto, so far as the same are applicable.

SECTION 10. Whoever wilfully or maliciously destroys or injures any sewer or other property held or used by said board under the authority and for the purposes of this act, shall forfeit and pay to the Commonwealth three times the amount of the damages assessed therefor, to be recovered in any proper action; and upon conviction of either of the above wilful or malicious acts shall be punished by a fine not exceeding one thousand dollars or by imprisonment in the house of correction not exceeding one year, or by both such fine and imprisonment.

SECTION 11. Said board may from time to time, and at public or private sale as they may deem best, dispose of any property, real or personal, no longer needed for the construction, maintenance or operation of the sewers authorized by this chapter: *provided, however,* that such sale shall not impair the maintenance and operation of said sewers.

SECTION 12. Real estate so sold may be conveyed, subject to such easements, reservations and restrictions as said board may deem necessary to secure the maintenance, renewal and operation of said sewers, by deed duly executed by said commissioners on behalf of the Commonwealth with or without warranty.

SECTION 13. The net proceeds of such sales, after deducting all necessary expenses incurred thereby, shall be paid into the treasury of the Commonwealth and shall be credited to and form a part of the fund to be used in construction or maintenance of said sewers.

SECTION 14. Any money which may be collected or received by the treasurer and receiver-general of the Commonwealth from checks deposited with said board by bidders for work, and by said board declared forfeited, and any sums collected or received by said treasurer and re-

*Penalty for
destruction
of property,
etc.*

*May dispose
of certain
property.*

Proviso.

*Conveyance
of certain
real estate.*

*Proceeds
of sales.*

*Certain money
to be applied
to payment
of interest.*

ceiver-general for breach of any contract made with said board, shall be applied to the payment of interest upon the loan issued under the authority of this act.

**Metropolitan
Sewerage
Loan,
Extended,
1897, 53, § 1.**

\$500,000.00.

**Sinking
fund.**

SECTION 15. To meet the expenses incurred under the provisions of this act the treasurer and receiver-general shall, with the approval of the governor and council, issue from time to time scrip or certificates of debt, in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding five hundred thousand dollars, for a term not exceeding forty years.¹ Said scrip or certificates of debt shall be issued as registered bonds or with interest coupons attached, and shall bear interest not exceeding four per cent. per annum, payable semi-annually on the first days of March and September in each year. Said interest and scrip or certificates shall be payable, and when due shall be paid, in gold coin or its equivalent. Said scrip or certificates of debt shall be designated on the face thereof, Metropolitan Sewerage Loan; shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the Commonwealth, redeemable at the time specified therein in gold coin or its equivalent, and shall be sold and disposed of at a public auction, or in such other mode, and at such times and prices, and in such amounts and at such rate of interest, not exceeding four per cent. per annum, as the treasurer and receiver-general with the approval of the governor and council shall deem for the best interest of the Commonwealth. The treasurer and receiver-general shall on issuing any of said scrip or certificates of debt establish a sinking fund² and apportion thereto from year to year an amount sufficient with its accumulations to extinguish the debt at maturity. But in such apportionment of a sinking fund the assessment shall be at the rate of one eightieth part of the whole amount in each of the first ten years, one sixtieth part in

¹ For additional loans see table of Appropriations, Appendix No. 1.

² Treasurer is authorised to consolidate sinking funds. Acts 1899, chap. 122.

each of the second ten years, one thirtieth part in each of the third ten years, and the remainder equally divided in the next ten years. Any premium realized in the sale of said scrip or said certificates of debt shall be applied to the payment of the interest¹ on said loan as it accrues.

SECTION 16. The supreme judicial court sitting in equity shall, on the application of said board, after notice to the city and each of the towns hereinbefore named, appoint three commissioners, who shall not be residents of the city or of any of the towns mentioned in this act, who shall, after due notice and hearing, and in such manner as they shall deem just and equitable, determine² for said system the proportion in which the city and each of the towns hereinbefore named shall annually pay money into the treasury of the Commonwealth for the term of five years next following the year of the first issue of said scrip or certificates, to meet the interest and sinking fund requirements for each of said years, as estimated by said treasurer, and to meet the cost of maintenance and operation of said system for each of said years, as estimated by the said board and certified to said treasurer, and any deficiency in the amount previously paid in, as found by said treasurer. In making their award the commissioners may take into consideration the amount of the use of the sewers by said city or towns respectively, the population and valuation thereof, and also the extent, if any, to which said main sewers relieve the city or towns respectively of the necessity of constructing local sewers at their own charge, and any other considerations as may seem to them just and equitable, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners, and shall be binding on all parties.

Appointment
of commis-
sioners to
determine
proportion to
be paid by
city and
towns, etc.

¹ Premiums from sale of bonds to be paid into sinking fund. Acts 1906, chap. 328.

² Basis for determining annual metropolitan sewerage assessments fixed. Acts 1906, chap. 369.

To be appointed every five years, etc.

SECTION 17. Before the expiration of said term of five years, and every five years thereafter, other commissioners, who shall not be residents of the city or of any of the towns mentioned in this act, shall be appointed as aforesaid, who shall in the manner above prescribed determine the proportion in which said city and each of said towns in said system shall annually pay money into the treasury of the Commonwealth as aforesaid for the next succeeding term of five years, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners, and shall be binding on all parties.

Amount required from city and towns to be estimated by treasurer, etc.

SECTION 18. The amount of money required each year from said city and each of said towns to meet the interest, sinking fund requirements and cost aforesaid for each year and deficiency, if any, shall be estimated by said treasurer in accordance with the proportion determined as aforesaid, and shall be included in and made a part of the sum charged to such city or town, and be assessed upon it in the apportionment and assessment of its annual state tax; and said treasurer shall in each year notify such city and each of said towns of the amount of such assessment, which amount shall be paid by the city or town into the treasury of the Commonwealth at the time required for the payment and as a part of its state tax.

Certain sums of money may be advanced, etc.

SECTION 19. Until the completion of the system of sewerage provided for in this chapter the clerk of the board of metropolitan sewerage commissioners, or such other person as said board may designate, may have advanced to him from the money in the treasury of the Commonwealth received from the loan hereinbefore authorized, such sums not exceeding ten thousand dollars¹ at any time, as the auditor may certify to be necessary to enable said board to make direct payment upon its pay-

¹ Amount increased to \$20,000. Acts 1901, chap. 513.

rolls and other accounts. The person so designated by said board shall give a bond with sufficient sureties, to be approved by the auditor of the Commonwealth, in the sum of ten thousand dollars.

SECTION 20. As soon as may be after expending such advance, and in any case within thirty days from the receipt thereof, the officer who has received money of the Commonwealth under the provisions of the preceding section shall file with the said auditor a statement in detail of the sums expended subsequent to the previous accounting, approved by said board, and where it is practicable to obtain them, receipts or other like vouchers of the persons to whom the payments have been made.

SECTION 21. The supreme judicial court shall have jurisdiction in equity to enforce the provisions of this act, and shall fix and determine the compensation of all commissioners appointed by said court under the provisions hereof.

SECTION 22. This act shall take effect upon its passage.
[Approved May 24, 1895.]

[Chapter 414 of the Acts of the Year 1895.]

**AN ACT TO PROVIDE FOR THE ADDITION OF A PORTION OF
 THE TOWN OF WAKEFIELD TO THE METROPOLITAN
 SEWERAGE SYSTEM.**

Be it enacted, etc., as follows:

SECTION 1. The territory comprising the villages of Greenwood and Boyntonville in the town of Wakefield is hereby added to the north metropolitan sewerage district created by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, entitled "An Act to provide for the building, maintenance and operation of a system of sewage disposal for the Mystic and Charles river valleys." In becoming a part of the metropolitan system said addition shall be subject to the

Certain territory in Wakefield added to the north metropolitan sewerage district.

provisions and conform with the requirements of the aforesaid act and amendments thereto, except as herein provided, and the proportionate liability incurred by said addition shall be assumed by the town of Wakefield. Any authority granted to other municipalities by said act or by amendments thereto is hereby also vested in said town of Wakefield, but limited in application to the territory comprising said addition.

Metropolitan sewerage commissioners to provide an outlet for sewage, take present sewer constructed by Melrose, etc.

To exercise certain authority, etc.

SECTION 2. The metropolitan sewerage commissioners shall provide an outlet at the Wakefield town line in Greenwood street for the sewage of said addition, and, acting on behalf of the Commonwealth, shall take by purchase or otherwise of the town of Melrose the present sewer constructed by said town through Wyoming avenue, Berwick, Grove, Myrtle, Essex and Tremont streets to Lake avenue, in said Melrose, and shall pay the cost of the construction of the same; and the same shall become and is hereby made a part of the main trunk line of sewers belonging to the metropolitan system; and the metropolitan sewerage commissioners shall at once extend the said main sewer line to the Wakefield town line by constructing a main sewer through Tremont, Melrose, Belmont, Franklin and Greenwood streets in said Melrose; and the said town of Melrose shall have the right to maintain and make house connections with the said main sewers and connect lateral sewers therewith in the same manner as with the present sewers of the town, under the direction of the metropolitan sewerage commissioners. In providing said outlet and in receiving sewage from said addition and said town of Melrose, and in any action in relation thereto, and for the purpose of taking, constructing and maintaining this additional main line of sewer, the said board of sewerage commissioners, acting on behalf of the Commonwealth, shall have and exercise all the authority conferred upon them by chapter four hundred and thirty-nine of the acts of the year eighteen

hundred and eighty-nine and by amendments thereto, regarding the original system or anything relating thereto; and all the provisions of said chapter are hereby made applicable to this additional taking and construction, except as herein otherwise provided.

SECTION 3. To meet the expenses incurred under the provisions of this act the treasurer and receiver-general shall, with the approval of the governor and council, issue scrip or certificates of debt, in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding thirty¹ thousand dollars, for a term not exceeding thirty-four years. Said scrip or certificates of debt shall be issued as registered bonds or with interest coupons attached, and shall bear interest at a rate not exceeding four per cent. per annum, payable semi-annually on the first days of March and September in each year. Said interest and scrip or certificates shall be payable, and when due shall be paid, in gold coin or its equivalent. Said scrip or certificates of debt shall be designated on their face, Metropolitan Sewerage Loan, shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the Commonwealth, redeemable at the time specified therein, in gold coin or its equivalent, and shall be sold and disposed of at public auction or in such other mode and at such times and prices and in such amounts and at such rate of interest, not exceeding four per cent. per annum, as the treasurer and receiver-general with the approval of the governor and council shall deem for the best interests of the Commonwealth. Any scrip or certificates of debt issued under the provisions of this act shall be considered as an addition to and shall become a part of the loan authorized by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, as amended by chapter three hundred and seven of the acts of the year eighteen hundred and ninety-

¹ Amount is increased to \$35,000. Acts 1897, chap. 88.

Sinking
fund, etc.

four, and by chapter two hundred and ninety-four of the acts of the year eighteen hundred and ninety-five; and the sinking fund established under the provisions of said chapters shall be a sinking fund¹ for the extinguishment of the debt authorized by this act, said funds to be increased in the following manner:—the treasurer and receiver-general shall from year to year, beginning with the year eighteen hundred and ninety-six, apportion to said sinking fund an amount sufficient with its accumulations to extinguish the debt at maturity; and in making the assessment for the increase of said sinking fund upon the several cities and towns liable thereto, one thirty-second part of the whole amount shall be assessed in each of the first four years, beginning with the year eighteen hundred and ninety-six; one sixtieth part in each of the next ten years, beginning with the year nineteen hundred; one thirtieth part in each of the next ten years, beginning with the year nineteen hundred and ten; and the remainder shall be equally divided in the next ten years, beginning with the year nineteen hundred and twenty. Any premium realized from the sale of said scrip or certificates of debt shall be applied to the payment of the interest on said loan as it accrues.

Wakefield to
be included in
determining
proportion to
be paid by
each city
and town.

SECTION 4. The commissioners heretofore appointed by the supreme judicial court, and now sitting, under the provisions of section fourteen of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine for the purposes specified in said section, and any other commissioners hereafter appointed for said purposes, shall include the town of Wakefield among the cities and towns whose proportions are to be determined as provided in said section, and the interest and sinking fund requirements of the moneys expended in acquiring the sewer already constructed and in constructing the portion of the sewerage system as provided for in this act.

¹ Treasurer is authorized to consolidate sinking funds. Acts 1899, chap. 122.

and the cost of maintenance and operation thereof, shall be deemed a part of the interest, sinking fund requirements and costs specified in section fifteen of said chapter four hundred and thirty-nine, and shall be paid as provided for in said section.

SECTION 5. This act shall take effect upon its passage.
[Approved May 16, 1896.]

[Chapter 80 of the Acts of the Year 1897.]

AN ACT TO PROVIDE FOR EXTENSIONS OF THE NEPONSET VALLEY SEWER INTO THE TOWN OF MILTON.

Be it enacted, etc., as follows:

SECTION 1. Section nine of chapter four hundred and six of the acts of the year eighteen hundred and ninety-five is hereby amended by striking out the whole of said section and inserting in place thereof the following:—
Section 9. The city and towns aforesaid shall connect their local sewers, with such main sewers, subject to the direction and control of said board as to the methods and places of making said connections; and any person or corporation may, subject to the direction and control of said board and on such terms, conditions and regulations as the city or town may prescribe, connect private drains with said main sewers; and for the purpose of enabling the town of Milton to make such connections the said board shall extend said main sewers from Boston across the Neponset river to and into the town of Milton, at the following places, to wit:—At or near Granite avenue, at or near Adams street in Milton, at or near Central avenue, at or near Blue Hill avenue, and at such other places as said board may deem reasonable, such extensions to be made in such manner as the board of harbor and land commissioners may approve, and, in respect of all work and structures in tide water, subject to the provisions of chapter nineteen of the Public Statutes and of all acts in

Connection of
local sewers
with main
sewers.

Main sewers
to be ex-
tended into
town of
Milton, etc.

amendment thereof or in addition thereto, so far as the same are applicable.

SECTION 2. This act shall take effect upon its passage.
[Approved February 18, 1897.]

[Chapter 83 of the Acts of the Year 1897.]

**AN ACT RELATIVE TO THE EXPENSES INCURRED UNDER
 THE ACT TO PROVIDE FOR A SYSTEM OF SEWAGE DIS-
 POSAL FOR THE NEPONSET RIVER VALLEY.**

Be it enacted, etc., as follows:

Metropolitan
 Sewerage
 Loan.

\$800,000.00.

SECTION 1. To meet the expenses incurred under the provisions of chapter four hundred and six of the acts of the year eighteen hundred and ninety-five the treasurer and receiver-general shall, with the approval of the governor and council, issue from time to time scrip or certificates of debt, in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding three hundred thousand dollars, for a term not exceeding forty years.¹ Said scrip or certificates of debt shall be issued as registered bonds or with interest coupons attached, and shall bear interest at a rate not exceeding four per cent. per annum, payable semi-annually on the first days of March and September in each year. Said interest and scrip or certificates shall be payable, and when due shall be paid, in gold coin or its equivalent. Said scrip or certificates of debt shall be designated on their face as the Metropolitan Sewerage Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth, redeemable at the time specified therein in gold coin or its equivalent, and shall be sold and disposed of at public auction, or in such other mode and at such times and prices and in such amounts and at such rate of interest, not exceeding four per cent. per annum, as the governor and council shall deem for the

¹ For additional loans see table of Appropriations, Appendix No. 1.

best interests of the Commonwealth. Any scrip or certificates of debt issued under the provisions of this act shall be considered as an addition to and shall become a part of the loan authorized by said chapter four hundred and six, and the sinking fund established under the provisions of said chapter shall be a sinking fund for the extinguishment of the debt authorized by this act, said fund to be increased in the following manner: — The treasurer and receiver-general shall from year to year, beginning with the year eighteen hundred and ninety-six, apportion to said sinking fund an amount sufficient with its accumulations to extinguish the debt at maturity, and in making the assessment for the increase of said sinking fund, upon the several cities and towns liable thereto, one fortieth part of the whole amount shall be assessed in each of the first five years, beginning with the year eighteen hundred and ninety-six; one sixtieth part in each of the next ten years, beginning with the year nineteen hundred and one; one thirtieth part in each of the next ten years, beginning with the year nineteen hundred and eleven; and the remainder shall be equally divided in the next ten years, beginning with the year nineteen hundred and twenty-one.

Any premium realized from the sale of said scrip or certificates of debt shall be applied to the payment of the interest¹ on said loan as it accrues. The proportions applicable to the several cities and towns in this system, contained in a report on file in the office of the clerk of the supreme judicial court for the county of Suffolk, shall, when said report has been accepted by said court, become and be the proportions used in assessing the interest and sinking fund requirements, and also the cost of maintenance and operation for the period between the years eighteen hundred and ninety-six and nineteen hundred, both inclusive.

SECTION 2. The supreme judicial court sitting in equity shall on the application of the board of metropoli-

To be con-
sidered as an
addition to
loan author-
ized by 1895,
chap. 406,
etc.

Sinking
fund.

Premiums to
be applied to
payment of
interest, etc.

Appointment
of commis-
sioners to

¹ Premiums from sale of bonds to be paid into sinking fund. Acts 1906, chap. 338.

determine proportion to be paid by cities and towns, etc.

tan sewerage commissioners, made to said court in the year nineteen hundred, after notice to each of the cities and towns named in said chapter four hundred and six, appoint three commissioners, who shall not be residents of any of the cities or towns mentioned in said chapter, who shall after due notice and hearing and in such manner as they deem just and equitable, determine for said system established by said chapter the proportion in which each of the cities and towns therein named shall annually pay money into the treasury of the Commonwealth for the term of five years next following the year nineteen hundred, to meet the interest and sinking fund requirements for the said five years, as estimated by said treasurer, and any deficiency in the amount previously paid in, as found by said treasurer. In making their award the commissioners may take into consideration the extent of the use of the sewers by said city or towns respectively, the population and valuation thereof and also the extent, if any, to which said main sewers relieve the city or towns respectively of the necessity of constructing local sewers at their own charge, and any other considerations which may seem to them just and equitable, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners, and shall be binding on all parties.

To be appointed every five years, etc.

SECTION 3. Before the expiration of said term of five years, and every five years thereafter, other commissioners, who shall not be residents of any of the cities or towns mentioned in said chapter, shall be appointed as aforesaid, upon application of said board as aforesaid, who shall in such manner as they deem just and equitable determine the proportion¹ in which each of said cities and towns in each of said systems shall annually pay money into the treasury of the Commonwealth as aforesaid for

¹ Basis for determining annual metropolitan sewerage assessments fixed. Acts 1906, chap. 309.

the next succeeding term of five years, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners, and shall be binding on all parties.

SECTION 4. The amount of money required each year from each city and town named in said chapter four hundred and six, to meet the interest, sinking fund requirements and cost aforesaid, and deficiency, if any, shall be estimated by said treasurer in accordance with the proportion determined as aforesaid, and shall be included in and made a part of the sum charged to such city or town and be assessed upon it in the apportionment and assessment of its annual state tax, and said treasurer shall in each year notify each such city and town of the amount of such assessment, which amount shall be paid by the city or town into the treasury of the Commonwealth at the time required for the payment and as a part of its state tax.

Amount re-
quired from
cities and
towns to be
estimated by
treasurer,
etc.

SECTION 5. The supreme judicial court shall have jurisdiction in equity to enforce the provisions of this act, and shall fix and determine the compensation of all commissioners appointed by said court under the provisions hereof.

Enforcement
of provi-
sions, etc.

SECTION 6. This act shall take effect upon its passage.
[Approved February 18, 1897.]

[Chapter 88 of the Acts of the Year 1897.]

AN ACT RELATIVE TO THE EXPENSES INCURRED UNDER THE ACT TO PROVIDE FOR THE ADDITION OF A PORTION OF THE TOWN OF WAKEFIELD TO THE METROPOLITAN SEWERAGE SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter four hundred and fourteen of the acts of the year eighteen hundred and

1896, 414, § 8,
amended.

Metropolitan
Sewerage
Loan.

\$35,000.00.

Sinking
fund, etc.

ninety-six is hereby amended by inserting in the sixth line of said section, after the word "thirty", the word: — five, — so as to read as follows: — *Section 3.* To meet the expenses incurred under the provisions of this act the treasurer and receiver-general shall, with the approval of the governor and council, issue scrip or certificates of debt, in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding thirty-five thousand dollars, for a term not exceeding thirty-four years. Said scrip or certificates of debt shall be issued as registered bonds or with interest coupons attached, and shall bear interest at a rate not exceeding four per cent. per annum, payable semi-annually on the first days of March and September in each year. Said interest and scrip or certificates shall be payable, and when due shall be paid, in gold coin or its equivalent. Said scrip or certificates of debt shall be designated on their face, Metropolitan Sewerage Loan, shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the Commonwealth, redeemable at the time specified therein, in gold coin or its equivalent, and shall be sold and disposed of at public auction or in such other mode and at such times and prices and in such amounts and at such rate of interest, not exceeding four per cent. per annum, as the treasurer and receiver-general with the approval of the governor and council shall deem for the best interests of the Commonwealth. Any scrip or certificates of debt issued under the provisions of this act shall be considered as an addition to and shall become a part of the loan authorized by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, as amended by chapter three hundred and seven of the acts of the year eighteen hundred and ninety-four, and by chapter two hundred and ninety-four of the acts of the year eighteen hundred and ninety-five; and the sinking fund established under the provisions of said chapters

shall be a sinking fund for the extinguishment of the debt authorized by this act, said funds to be increased in the following manner:— The treasurer and receiver-general shall from year to year, beginning with the year eighteen hundred and ninety-six, apportion to said sinking fund an amount sufficient with its accumulations to extinguish the debt at maturity; and in making the assessment for the increase of said sinking fund upon the several cities and towns liable thereto, one thirty-second part of the whole amount shall be assessed in each of the first four years, beginning with the year eighteen hundred and ninety-six; one sixtieth part in each of the next ten years, beginning with the year nineteen hundred; one thirtieth part in each of the next ten years, beginning with the year nineteen hundred and ten; and the remainder shall be equally divided in the next ten years, beginning with the year nineteen hundred and twenty. Any premium realized from the sale of said scrip or certificates of debt shall be applied to the payment of the interest¹ on said loan as it accrues.

SECTION 2. This act shall take effect upon its passage.
[Approved February 18, 1897.]

[Chapter 436 of the Acts of the Year 1897.]

AN ACT TO PROVIDE AN ADDITIONAL OUTLET FOR THE
 SEWAGE OF THE TOWN OF STONEHAM.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan sewerage commissioners are hereby authorized and instructed to cause to be constructed a branch sewer connecting with the system of sewers built or to be built under the direction of said commissioners in the town of Melrose, which will extend to the line between Melrose and Stoneham and reach said line in Franklin street; said branch sewer to serve when

Branch sewer
 to be con-
 structed as
 an outlet for
 the sewage
 of Stoneham.

¹ Premiums from sale of bonds to be paid into sinking fund. *Acts 1906, chap. 338.*

Proviso.

necessary as an outlet for the sewage of the town of Stoneham at that point. The town of Melrose shall have the right to make and maintain house connections with said branch sewer and connect lateral sewers therewith, in the same manner as with the present sewers of said town, under the direction of said commissioners: *provided, however,* that for the purpose of assessment and taxation said sewer shall be treated as a local sewer of said town of Melrose, and assessments shall be made therefor by said town according to such scheme or plan as may be adopted by said town for its local sewers, and such sums as may be assessed therefor shall be paid by the treasurer of said town into the treasury of the Commonwealth, and shall be credited to and form a part of the fund known as the Metropolitan Sewerage Loan Fund, authorized by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine and acts in amendment thereof.

**Metropolitan
sewerage
commission-
ers to exer-
cise certain
authority,
etc.**

SECTION 2. In providing said outlet for the sewage of the town of Stoneham and in receiving sewage from said town, and in any action relating thereto, and for the purpose of taking, constructing and maintaining said branch sewer, said commissioners, acting on behalf of the Commonwealth, shall have and exercise all the authority conferred upon them by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, and by acts in amendment thereof, regarding the original system or anything relating thereto; and all the provisions of said chapter are hereby made applicable to this additional taking and construction, except as otherwise herein provided.

**Treasurer
and receiver-
general to
issue scrip
(\$10,000.00),
etc.**

SECTION 3. To meet the expenses incurred under the provisions of this act the treasurer and receiver-general shall, with the approval of the governor and council, issue scrip or certificates of debt, in the name and behalf of the Commonwealth and under its seal, to an amount not ex-

ceeding ten thousand dollars, for a term not exceeding thirty-four years. All the provisions of section three of chapter four hundred and fourteen of the acts of the year eighteen hundred and ninety-six relative to the indebtedness authorized to be incurred by said chapter shall apply to the indebtedness authorized by this section, in the same manner as if said provisions had been inserted at length in this act.

SECTION 4. The interest and sinking fund requirements of the moneys expended in constructing the branch sewer provided for in this act, and the cost and maintenance thereof, shall be deemed a part of the interest, sinking fund requirements and costs specified in section fifteen of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, and shall be paid as provided for in said section.

SECTION 5. This act shall take effect upon its passage.
[Approved May 26, 1897.]

Payment of
expenses,
etc.

[Chapter 502 of the Acts of the Year 1897.]

AN ACT RELATIVE TO THE CHARLES RIVER SEWERAGE SYSTEM AND THE NEPONSET SEWERAGE SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. The board of metropolitan sewerage commissioners, constituted under the authority of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, shall connect the Charles river sewerage system for the disposal of the sewage of the Charles river sewerage district, consisting of the cities of Waltham and Newton, the towns of Watertown and Brookline, and a part of the city of Boston, with the sewer of the city of Boston, at the corner of Gainsborough street and Huntington avenue in said city of Boston; and shall connect the Neponset sewerage system for the disposal of the sewage of the Neponset sewerage district, consisting

To connect
the Charles
river and
Neponset
sewerage sys-
tems with
the sewers of
the city of
Boston, etc.

of the towns of Dedham, Hyde Park, Milton, Westwood and a part of the city of Boston, with the sewers of the city of Boston, at or near Granite bridge; and the city of Boston shall discharge the sewage from said systems through its sewers and other works into the water at Moon island.

**Common-
wealth to pay
to city of
Boston a cer-
tain sum for
use of its
sewer, etc.**

SECTION 2. The Commonwealth shall pay to the city of Boston for the use of its sewer and sewerage works and discharge of the sewage aforesaid, such sum for the years eighteen hundred and ninety-six and eighteen hundred and ninety-seven and every year thereafter until other provision for the discharge of said sewage and payment therefor shall have been made by the legislature for said system as shall be agreed upon by the mayor of said city of Boston and board of metropolitan sewerage commissioners.

**Commission-
ers to be
appointed in
case of dis-
agreement,
etc.**

SECTION 3. If said mayor and board of metropolitan sewerage commissioners cannot agree upon the sum to be paid for either of said years as aforesaid, the supreme judicial court sitting in equity, shall upon application of said mayor or said board, appoint three commissioners, who shall not be residents of any of the cities or towns in said metropolitan sewerage district, who shall, after due notice and hearing, determine the sum to be so paid for such year to said city of Boston for the use of its sewers and sewerage works and discharge of sewage as aforesaid. The award of said commissioners or a majority thereof shall be returned into said court, and when accepted by the court shall be final and conclusive for such year.

**1895, 406, § 7.
Repealed.**

SECTION 4. Section seven of chapter four hundred and six of the acts of the year eighteen hundred and ninety-five is hereby repealed.

SECTION 5. This act shall take effect upon its passage.
[Approved June 10, 1897.]

[Chapter 520 of the Acts of the Year 1897.]

**AN ACT TO PROVIDE FOR THE ADDITION OF A PORTION OF
THE TOWN OF LEXINGTON TO THE METROPOLITAN
SEWERAGE SYSTEM.**

Be it enacted, etc., as follows:

SECTION 1. The territory comprising the villages of Centre and East Lexington, in the town of Lexington, is hereby added to the north metropolitan sewerage district, created by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, entitled, "An Act to provide for the building, maintenance and operation of a system of sewage disposal for the Mystic and Charles river valleys." In becoming a part of the metropolitan system said addition shall be subject to the provisions and shall conform to the requirements of the aforesaid act and of acts in amendment thereof, and in addition thereto, except as herein provided, and the proportionate liability incurred by said addition shall be assumed by the town of Lexington. Any authority granted to other municipalities by said act or by acts in amendment thereof and in addition thereto is hereby also vested in said town of Lexington, but limited in application to the territory comprising said addition.

SECTION 2. The metropolitan sewerage commissioners shall provide an outlet at the Lexington town line in or near Massachusetts avenue for the sewage of said addition, and, acting on behalf of the Commonwealth, shall take by purchase or otherwise of the town of Arlington the present sewer constructed by said town through Decatur street, private land, Coral street, private land, Franklin street, Lewis avenue, Medford, Chestnut and Mystic streets and Massachusetts avenue to Lowell street in said Arlington, and shall pay the town of Arlington the cost of the same, less the proportion of the cost assessed on the abutting property; and the same shall become and is hereby made

Portion of town of Lexington added to the north metropolitan sewerage district, etc.

Metropolitan sewerage commissioners to provide an outlet for sewage, take sewer constructed by town of Arlington, etc.

a part of the main trunk line of sewers belonging to the metropolitan system.

To extend
main sewer
line, etc.

SECTION 3. The metropolitan sewerage commissioners shall at once extend the said main sewer line to the Lexington town line by constructing a main sewer through Massachusetts avenue, or through such streets, ways or private lands in said Arlington as the metropolitan sewerage commissioners may elect, the end of said sewer to be at or near the point where Massachusetts avenue crosses the Lexington and Arlington town line: *provided, however,* that for the purpose of assessment and taxation said extension of the main sewer shall be treated as a local sewer of said town of Arlington, and assessments shall be made therefor by said town according to such scheme or plan as may be adopted by said town for its local sewers, and such sums as may be assessed therefor shall be paid by the treasurer of said town into the treasury of the Commonwealth and shall be credited to and form a part of the fund known as the Metropolitan Sewerage Loan Fund, authorized by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine and by acts in amendment thereof and in addition thereto.

May con-
struct a new
sewer, etc.

SECTION 4. Whenever said portion of the sewer in Massachusetts avenue shall be insufficient to accommodate the town of Lexington and the portion of the town of Arlington using the same, the metropolitan sewerage commissioners shall construct a new sewer in the valley of Mill or Sucker brook, in such a location as shall accommodate all portions of said valley.

Connections
may be made
with sewers,
under direc-
tion of
board, etc.

SECTION 5. The town of Arlington and any persons and corporations may make connections with any sewers acquired or constructed by the board of metropolitan sewerage commissioners under the authority of this act, subject to the control and under the direction of said board.

Certain pro-
visions of
law to apply,
etc.

SECTION 6. In providing said outlets and in receiving sewage from said addition and said town of Arlington, and in any action in relation thereto, and for the purpose

of taking, constructing and maintaining said additional main lines of sewer, the said board of sewerage commissioners, acting on behalf of the Commonwealth, shall have and exercise all the authority conferred upon them by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine and by acts in amendment thereof and in addition thereto regarding the original system or anything relating thereto; and all the provisions of said chapter are hereby made applicable to this additional taking and construction, except as herein otherwise provided.

SECTION 7. To meet the expenses incurred under the provisions of this act the treasurer and receiver-general shall with the approval of the governor and council, issue scrip or certificates of debt, in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding \$70,000.00. seventy-four thousand dollars, for a term not exceeding thirty-four years. Said scrip or certificates of debt shall be issued as registered bonds or with interest coupons attached, and shall bear interest at a rate not exceeding four per cent. per annum, payable semi-annually on the first days of March and September in each year. Said interest and scrip or certificates shall be payable, and when due shall be paid, in gold coin or its equivalent. Said scrip or certificates of debt shall be designated on their face, Metropolitan Sewerage Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth, redeemable at the time specified therein, in gold coin or its equivalent, and shall be sold and disposed of at public auction or in such other mode and at such times and prices and in such amounts and at such rate of interest, not exceeding four per cent. per annum, as the treasurer and receiver-general with the approval of the governor and council shall deem for the best interests of the Commonwealth. Any scrip or certificates of debt issued under the provisions of this act shall be considered as an addition to and shall become

a part of the loan authorized by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, as amended by chapter three hundred and seven of the acts of the year eighteen hundred and ninety-four, and by chapter two hundred and ninety-four of the acts of the year eighteen hundred and ninety-five.

**Payment of
interest and
sinking fund
requirements, etc.**

SECTION 8. The interest and sinking fund requirements of the moneys expended in acquiring the sewer already constructed and in constructing the portion of the sewerage system as provided for in this act, and the cost of maintenance and operation thereof, shall be deemed and paid as a part of the interest, sinking fund requirements and costs specified in section fifteen of said chapter four hundred and thirty-nine, and the sinking fund established under the provisions of said chapters shall be a sinking fund for the extinguishment of the debt authorized by this act, said funds to be increased in the following manner: — The treasurer and receiver-general shall from year to year, beginning with the year eighteen hundred and ninety-seven, apportion to said sinking fund an amount sufficient with its accumulations to extinguish the debt at maturity; and in making the assessment for the increase of said sinking fund upon the several cities and towns liable thereto, one thirty-second part of the whole amount shall be assessed in each of the first four years, beginning with the year eighteen hundred and ninety-seven, one sixtieth part in each of the next ten years, beginning with the year nineteen hundred, one thirtieth part in each of the next ten years, beginning with the year nineteen hundred and ten, and the remainder shall be equally divided in the next ten years, beginning with the year nineteen hundred and twenty. Any premium realized from the sales of said scrip or certificates of debt shall be applied to the payment of the interest¹ on said loan as it accrues.

**Town of
Lexington to
be included**

SECTION 9. The commissioners to be appointed by the supreme judicial court, under the provisions of section

¹ Premiums from sale of bonds to be paid into sinking fund. Acts 1906, chap. 338.

fourteen of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, for ^{in the apportionment of expense.} the purposes specified in said section, and any other commissioners thereafter appointed for said purposes, shall include the town of Lexington among the cities and towns whose proportions are to be determined as provided in said section.

SECTION 10. The board of metropolitan sewerage commissioners, until the town of Lexington has been included in a finding of commissioners appointed by the supreme judicial court, shall each year determine the amount to be paid by said town in that year as its fair share of the interest, sinking fund requirements, and cost of maintenance and operation of said north metropolitan sewerage system, and the same shall be certified by the treasurer and receiver-general and paid by said town as provided for payments of proportional parts of such interest, sinking fund requirements and costs by other cities and towns in said district: *provided, however,* that no part of the cost ^{Proviso.} for maintenance shall be assessed upon said town until its sewers are connected with the north metropolitan sewerage system as provided herein.

Metropolitan sewerage commissioners to determine each year the amount to be paid by town until apportionment.

SECTION 11. This act shall take effect upon its acceptance by vote of a majority of the legal voters of said town of Lexington present and voting thereon at a legal meeting called for that purpose within one year from the date of its passage. [Approved June 11, 1897.]

^{When to take effect.}

[Chapter 180 of the Acts of the Year 1898.]

AN ACT RELATIVE TO THE EXPENSES INCURRED UNDER THE ACT TO PROVIDE FOR A SYSTEM OF SEWAGE DISPOSAL FOR THE NEPONSET RIVER VALLEY.

Be it enacted, etc., as follows:

SECTION 1. To meet the expenses incurred under the provisions of chapter four hundred and six of the acts of the year eighteen hundred and ninety-five and acts in

Metropolitan Sewerage Loan.

\$35,000.00.

amendment thereof the treasurer and receiver-general shall, with the approval of the governor and council, issue from time to time scrip or certificates of debt, in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding thirty-five thousand dollars¹ for a term not exceeding thirty-seven years. Said scrip or certificates of debt shall be issued as registered bonds or with interest coupons attached, and shall bear interest at a rate not exceeding four per cent. per annum, payable semi-annually on the first days of March and September in each year. Said interest and scrip or certificates shall be payable, and when due shall be paid, in gold coin or its equivalent. Said scrip or certificates of debt shall be designated on their face as the Metropolitan Sewerage Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth, redeemable at the time specified therein in gold coin or its equivalent, and shall be sold and disposed of at public auction or in such other mode and at such times and prices and in such amounts and at such rate of interest, not exceeding four per cent. per annum, as the governor and council shall deem for the best interests of the Commonwealth. Any scrip or certificates of debt issued under the provisions of this act shall be considered as an addition to and shall become a part of the loan authorized by said chapter four hundred and six, and the sinking fund established under the provisions of said chapter shall be a sinking fund² for the extinguishment of the debt authorized by this act, said fund to be increased in the following manner:—The treasurer and receiver-general shall from year to year, beginning with the year eighteen hundred and ninety-eight, apportion to said sinking fund an amount sufficient with its accumulations to extinguish the debt at maturity, and in making the assessment for the increase of said sinking fund upon the sev-

Sinking
fund.

¹ For additional loans see table of Appropriations, Appendix No. 1.

² Treasurer is authorized to consolidate sinking funds. Acts 1899, chap. 122.

eral cities and towns liable thereto, one fifty-sixth part of the whole amount shall be assessed in each of the first seven years, beginning with the year eighteen hundred and ninety-eight; one sixtieth part in each of the next ten years, beginning with the year nineteen hundred and five; one thirtieth part in each of the next ten years, beginning with the year nineteen hundred and fifteen; and the remainder shall be equally divided in the remaining years, beginning with the year nineteen hundred and twenty-five. Any premium realized from the sale of said scrip or certificates of debt shall be applied to the payment of the interest¹ on said loan as it accrues.

SECTION 2. Each of the cities and towns hereinafter named shall in the years eighteen hundred and ninety-eight, eighteen hundred and ninety-nine and nineteen hundred pay money into the treasury of the Commonwealth to meet the interest and sinking fund requirements for each of said years, as estimated by said treasurer, in the following proportions, to wit:— Boston, twenty-three and twenty-eight one hundredths per cent.; Dedham, thirteen and fifty-two one hundredths per cent.; Hyde Park, eighteen and thirteen one hundredths per cent.; Milton, forty-five and seven one hundredths per cent.; said percentages being the same reported to the supreme judicial court by the apportionment commissioners in the year eighteen hundred and ninety-six, and accepted by said court.

SECTION 3. The supreme judicial court sitting in equity shall on the application of the board of metropolitan sewerage commissioners, after notice to each of the cities and towns mentioned in this act, appoint three commissioners, who shall not be residents of any of the cities and towns mentioned in this act, who shall, after due notice and hearing and in such manner as they deem just and equitable, determine² for said system the proportion

*Apportion-
ment of
expenses.*

*Apportion-
ment of com-
missioners
to determine
proportions
to be paid by
cities and
towns, etc.*

¹ Premiums from sale of bonds to be paid into sinking fund. Acts 1906, chap. 338.

² Basis for determining annual metropolitan sewerage assessments fixed. Acts 1906, chap. 369.

in which each of the cities and towns herein named shall annually pay money into the treasury of the Commonwealth for the term of five years next following the year nineteen hundred, to meet the interest and sinking fund requirements for the said five years, as estimated by said treasurer, and any deficiency in the amount previously paid in, as found by said treasurer, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners, and shall be binding on all parties.

To be appointed every five years, etc.

SECTION 4. Before the expiration of said term of five years and every five years thereafter, other commissioners, who shall not be residents of any of the cities or towns mentioned in this act, shall be appointed as aforesaid, upon application of said board as aforesaid, who shall in such manner as they deem just and equitable determine the proportion in which each of said cities and towns in said system shall annually pay money into the treasury of the Commonwealth as aforesaid for the next succeeding term of five years, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners, and shall be binding on all parties.

Amount required from cities and towns to be estimated by treasurer, etc.

SECTION 5. The amount of money required each year from each city and town named in this act, to meet the interest and sinking fund requirements and cost aforesaid for the system in which in this act it is included for each year, and deficiency, if any, shall be estimated by said treasurer in accordance with the proportion determined as aforesaid, and shall be included in and made a part of the sum charged to such city or town, and be assessed upon it at the time and in addition to its annual state tax, and said treasurer shall in each year notify each such city and town of the amount of such assessment, which amount

shall be paid by the city or town into the treasury of the Commonwealth at the time required for the payment of its state tax.

SECTION 6. The supreme judicial court shall have jurisdiction in equity to enforce the provisions of this act, and shall fix and determine the compensation of all commissioners appointed by said court under the provisions hereof.

SECTION 7. This act shall take effect upon its passage.

[Approved March 15, 1898.]

[Chapter 215 of the Acts of the Year 1898.]

AN ACT TO PROVIDE AN ADDITIONAL OUTLET FOR THE SEWAGE OF THE CITY OF EVERETT.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan sewerage commissioners shall provide an additional outlet for the sewage of the city of Everett and the city of Malden incidentally, and, in acting in behalf of the Commonwealth, shall take by purchase or otherwise, of the city of Malden, the present sewers constructed by said city of Malden, commencing at the metropolitan sewer in Middlesex street and running easterly through Charles street, southerly through Main street, northeasterly through Eastern avenue to the center of Bryant street, southerly through Bryant street to the middle of Cross street in said Malden, and shall pay to the said city of Malden the cost of the construction of the same, and the same shall become and is hereby made a part of the main trunk line of sewers belonging to the metropolitan system; and the metropolitan sewerage commissioners shall at once extend the said sewer to the Everett line by constructing a sewer through Bryant street extension, so-called, in said Malden, to the Everett line, which also is hereby made a part of the aforesaid main trunk line of sewers; and the city of Everett shall

Metropolitan sewerage commissioners to provide an additional outlet for the sewage of Everett, take certain sewers constructed by Malden, etc.

have the right, under the direction of the metropolitan sewerage commissioners, to connect its system of sewers with said main trunk line of sewers; and the said city of Malden shall have the right to maintain and make house connections with the said main sewers and connect lateral sewers therewith, in the same manner as with the present sewers of the said city, under the direction of the metropolitan sewerage commissioners: *provided, however,* that, for the purpose of assessment and taxation, said main sewers from Middlesex street to the Everett line shall be treated as a local sewer of said Malden, and assessments or annual rates shall be made therefor by said city of Malden according to such scheme or plan as may be now in operation or as may be adopted by said city for its local sewers, and such sums as may be assessed therefor shall be paid by the treasurer of said city of Malden into the treasury of the Commonwealth and shall be credited to and form a part of the funds known as the Metropolitan Sewerage Loan Fund, authorized by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine and acts in amendment thereof.

Proviso.

To exercise certain authority, etc.

SECTION 2. In providing said outlet and in receiving sewage from said cities, and in any action in relation thereto, and for the purpose of taking, constructing and maintaining this additional line of sewers to the Everett line said board of sewerage commissioners, acting in behalf of the Commonwealth, shall have and exercise all the authority conferred upon them by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine and by acts in amendment thereof regarding the original system or anything relating thereto, and all the provisions of said chapter are hereby made applicable to this additional taking and construction, except as herein otherwise provided.

Treasurer and receiver-general to issue scrip, etc.

SECTION 3. To meet the expenses incurred under the provisions of this act the treasurer and receiver-general

shall, with the approval of the governor and council, issue scrip or certificates of debt in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding sixty thousand dollars, for a term not exceeding \$60,000.00. thirty-two years. All the provisions of section three of chapter four hundred and fourteen of the acts of the year eighteen hundred and ninety-six, relative to the indebtedness authorized to be incurred by said chapter, shall apply to the indebtedness authorized by this section, in the same manner as if said provisions had been inserted at length in this act.

SECTION 4. The interest and sinking fund requirements of the moneys expended in constructing the main Payment
sewers provided for in this act, and the cost of maintenance thereof, shall be deemed a part of the interest, sinking fund requirements and costs specified in section fifteen of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, and shall be paid as provided for in said section.

SECTION 5. This act shall take effect upon its passage.
[Approved March 24, 1898.]

[Chapter 424 of the Acts of the Year 1898.]

**AN ACT RELATIVE TO THE CONSTRUCTION, MAINTENANCE
AND OPERATION OF THE METROPOLITAN SEWERAGE
SYSTEM.**

Be it enacted, etc., as follows:

SECTION 1. To meet the expenses incurred under the provisions of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine and of acts in amendment thereof, the treasurer and receiver-general shall, with the approval of the governor and council, issue from time to time scrip or certificates of debt, in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding one hundred and

Metropolitan
Sewerage
Loan.

\$155,000.00. fifty-five thousand dollars,¹ for a term not exceeding thirty-two years. Said scrip or certificates of debt shall be issued as registered bonds or with interest coupons attached, and shall bear interest at a rate not exceeding four per cent. per annum, payable semi-annually on the first days of March and September in each year. Said interest and scrip or certificates shall be payable, and when due shall be paid, in gold coin or its equivalent. Said scrip or certificates of debt shall be designated on their face as the Metropolitan Sewerage Loan, shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the Commonwealth, redeemable at the time specified therein in gold coin or its equivalent, and shall be sold and disposed of at public auction or in such other mode and at such times and prices and in such amounts and at such rate of interest, not exceeding four per cent. per annum, as the governor and council shall deem for the best interests of the Commonwealth. Any scrip or certificates of debt issued under the provisions of this act shall be considered as an addition to and shall become a part of the loan authorized by said chapter four hundred and thirty-nine, and the sinking fund established under the provisions of said chapter shall be a sinking fund for the extinguishment of the debt authorized by this act, said fund to be increased in the following manner:—The treasurer and receiver-general shall from year to year, beginning with the year eighteen hundred and ninety-eight, apportion to said sinking fund an amount sufficient with its accumulations to extinguish the debt at maturity, and in making the assessment for the increase of said sinking fund upon the several cities and towns liable thereto, one twenty-fourth part of the whole amount shall be assessed in each of the first three years, beginning with the year eighteen hundred and ninety-eight; one sixtieth part in each of the next ten years, beginning with the year nineteen hundred and one; one thirtieth part in each of

To be an
addition to
and part of
loan author-
ized by 1889,
439, etc.

Payment
of debt.

¹ For additional loans see table of Appropriations, Appendix No. 1.

the next ten years, beginning with the year nineteen hundred and eleven, and the remainder shall be equally divided in the remaining years, beginning with the year nineteen hundred and twenty-one. Any premium realized from the sale of said scrip or certificates of debt shall be applied to the payment of the interest¹ on said loan as it accrues.

SECTION 2. Each of the cities and towns hereinafter named shall in the years eighteen hundred and ninety-eight, eighteen hundred and ninety-nine and nineteen hundred, pay money into the treasury of the Commonwealth to meet the interest and sinking fund requirements for each of said years, as estimated by said treasurer, in the following proportions, to wit: — Arlington, two and seventy-four one hundredths per cent.; Belmont, one and thirty one hundredths per cent.; Boston, eighteen and ninety-six one hundredths per cent.; Cambridge, twenty-six and nineteen one hundredths per cent.; Chelsea, seven and thirty-seven one hundredths per cent.; Everett, four and one one hundredth per cent.; Malden, eight and nineteen one hundredths per cent.; Medford, five and twenty-nine one hundredths per cent.; Melrose, three and twenty-two one hundredths per cent.; Somerville, fourteen and thirty-three one hundredths per cent.; Stoneham, one and twenty-eight one hundredths per cent.; Wakefield, twenty-eight one hundredths per cent.; Winchester, two and twenty one hundredths per cent.; Winthrop, one and forty-nine one hundredths per cent.; Woburn, three and fifteen one hundredths per cent.; said percentages being the same reported to the supreme judicial court by the apportionment commissioners in the year eighteen hundred and ninety-six, and accepted by said court.

SECTION 3. The supreme judicial court sitting in equity shall on application of the board of metropolitan sewerage commissioners, after notice to each of the cities

Propor-tions
to be paid by
certain cities
and towns

Commis-sioners to
determine
proportion to
be paid by

¹ Premiums from sale of bonds to be paid into sinking fund. Acts 1906, chap. 338.

each city and town, appointment, etc.

and towns mentioned in this act, appoint three commissioners, who shall not be residents of any of the cities and towns mentioned in this act, who shall, after due notice and hearing and in such manner as they deem just and equitable, determine¹ for said system the proportion in which each of the cities and towns herein named shall annually pay money into the treasury of the Commonwealth for the term of five years next following the year nineteen hundred, to meet the interest and sinking fund requirements for the said five years, as estimated by said treasurer, and any deficiency in the amount previously paid in, as found by said treasurer, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners, and shall be binding on all parties.

Commissioners to be appointed every five years, etc.

SECTION 4. Before the expiration of said term of five years, and every five years thereafter, other commissioners, who shall not be residents of any of the cities or towns mentioned in this act, shall be appointed as aforesaid, upon application of said board as aforesaid, who shall in such manner as they deem just and equitable determine the proportion in which each of said cities and towns in said system shall annually pay money into the treasury of the Commonwealth as aforesaid for the next succeeding term of five years, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners, and shall be binding on all parties.

Amounts required each year from cities and towns to be estimated by treasurer, etc.

SECTION 5. The amount of money required each year from each city and town named in this act, to meet the interest and sinking fund requirements and cost aforesaid for the system in which in this act it is included for each year, and deficiency, if any, shall be estimated by said

¹ Basis for determining annual metropolitan sewerage assessments fixed. Acts 1906, chap. 369.

treasurer in accordance with the proportion determined as aforesaid, and shall be included in and made a part of the sum charged to such city or town, and be assessed upon it at the time and in addition to its annual state tax; and said treasurer shall in each year notify each such city and town of the amount of such assessment, which amount shall be paid by the city or town into the treasury of the Commonwealth at the time required for the payment of its state tax.

SECTION 6. The supreme judicial court shall have jurisdiction in equity to enforce the provisions of this act, and shall fix and determine the compensation of all commissioners appointed by said court under the provisions hereof.

SECTION 7. This act shall take effect upon its passage.
[Approved May 12, 1898.]

[Chapter 4 of the Resolves of the Year 1898.]

RESOLVE RELATIVE TO A HIGH-LEVEL SEWER FOR THE RELIEF OF THE CHARLES AND NEPONSET RIVER VALLEYS.

Resolved, That the board of metropolitan sewerage commissioners is hereby authorized and directed to consider and report upon a high-level system of sewerage for the Charles and Neponset river valleys. It shall be the duty of said board:— First. To designate the portions of the cities and towns which shall be tributary to and embraced in the district to be reported upon, and to define the same in their report with plans and maps, and said district and system shall thereafter be known and designated as the South Metropolitan System. Second. To define and show, by suitable plans and maps, such trunk line and main branches as it shall recommend to be constructed, with outlet. Third. To consider the various methods of disposal of sewage and the application of such methods to any portion of the territory herein mentioned,

Metropolitan sewerage commissioners to consider the question of a high-level sewer for the Charles and Neponset river valleys.

and to define the methods by which the cities and towns or parts of the cities and towns, may utilize said trunk line and main branches as an outlet of a system of sewerage and drainage for the cities and towns and said parts of the cities and towns, respectively, and to show the same by plans and maps. Fourth. To employ such engineering and other assistance as may be necessary for carrying out the objects of this resolve, and to cause such surveys and levels to be made as will show on the plans, with substantial accuracy, the location and grades of said trunk line and main branches, and also such surveys and levels in the cities and towns, and parts of the cities and towns, as will enable said board to determine the methods by which the cities and towns may respectively utilize said trunk line and main branches, and to report such methods, with plans showing the main lines by which each may so provide for itself a system of sewerage with its outlet into said trunk line or main branches. Fifth. To define the size and capacity of said trunk line and main branches, and the materials of which they should be constructed, and the manner of construction, and such other particulars as will enable said board to determine the probable expense thereof; and to ascertain and report the cost of the construction of said trunk line and main branches and outlet. All expenses incurred by said board under the provisions of this resolve, but not to exceed thirty thousand dollars,¹ shall be paid out of the treasury of the Commonwealth and shall be assessed by the treasurer of the Commonwealth in two annual instalments for the years eighteen hundred and ninety-eight and eighteen hundred and ninety-nine, upon the cities and towns comprised within the said systems, at the following rates, the same being the proportions for maintaining and operating the said systems made by the apportionment commission in its report to the supreme judicial court in the year

Payment of expenses.

\$30,000.00.

¹ Different provision is made for payment of these expenses. Acts 1890, chap. 424, § 22.

eighteen hundred and ninety-six and accepted by said court, to wit:— Boston, twenty-seven and twenty-seven one hundredths per cent.; Brookline, eight and twelve one hundredths per cent.; Dedham, nine and ninety-three one hundredths per cent.; Hyde Park, seventeen and seventy-six one hundredths per cent.; Milton, eight and twenty-five one hundredths per cent.; Newton, fourteen per cent.; Waltham, ten and sixty-nine one hundredths per cent.; Watertown, three and ninety-eight one hundredths per cent. On or before the first day of May in the year eighteen hundred and ninety-nine said board of metropolitan sewerage commissioners shall make a report to the general court upon the matters herein referred to it, with a bill for carrying out any recommendations which it may see fit to make.¹ [Approved February 15, 1898.]

Propor-tions
to be paid by
the cities
and towns
interested.

[Chapter 123 of the Acts of the Year 1899.]

AN ACT RELATIVE TO THE METROPOLITAN SEWERAGE LOANS SINKING FUND.

Be it enacted, etc., as follows:

SECTION 1. The treasurer and receiver-general is hereby authorized to consolidate the sinking fund established for the payment of the Metropolitan Sewerage Loan, issued under the authority of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, chapter three hundred and seven of the acts of the year eighteen hundred and ninety-four, chapter two hundred and ninety-four of the acts of the year eighteen hundred and ninety-five, chapter four hundred and fourteen of the acts of the year eighteen hundred and ninety-six and chapter one hundred and eighty of the acts of the year eighteen hundred and ninety-eight; and for the payment of the Metropolitan Sewerage, Neponset River Valley, Loan, issued under the authority of chapter

Metropolitan
Sewerage
Loans
sinking fund.

¹ Board is authorized to construct high-level sewer. Acts 1899, chap. 424.

four hundred and six of the acts of the year eighteen hundred and ninety-five, into one sinking fund, to be known as the Metropolitan Sewerage Loans Sinking Fund.

SECTION 2. This act shall take effect upon its passage.
[Approved March 4, 1899.]

[Chapter 241 of the Acts of the Year 1899.]

**AN ACT RELATIVE TO THE EXPENSES INCURRED UNDER
 THE ACT TO PROVIDE FOR A SYSTEM OF SEWAGE DIS-
 POSAL FOR THE NEPONSET RIVER VALLEY.**

Be it enacted, etc., as follows:

**Metropolitan
 Sewerage
 Loan.**

\$25,000.00.

SECTION 1. To meet the expenses incurred under the provisions of chapter four hundred and six of the acts of the year eighteen hundred and ninety-five and acts in amendment thereof the treasurer and receiver-general shall, with the approval of the governor and council, issue from time to time scrip or certificates of debt, in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding twenty-five thousand dollars,¹ for a term not exceeding thirty-seven years. Said scrip or certificates of debt shall be issued as registered bonds or as bonds with interest coupons attached, and shall bear interest at a rate not exceeding four per cent. per annum, payable on the first days of March and September in each year. Said interest and scrip or certificates shall be payable, and when due shall be paid, in gold coin or its equivalent. Said scrip or certificates of debt shall be designated on their face as the Metropolitan Sewerage Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth redeemable at the time specified therein in gold coin or its equivalent, and shall be sold and disposed of at public auction or in such other mode and at such times and prices and in such amounts and at such rate of interest, not ex-

¹ For additional loans see table of Appropriations, Appendix No. 1.

ceeding four per cent. per annum, as the governor and council shall deem for the best interests of the Commonwealth. Any scrip or certificates of debt issued under the provisions of this act shall be considered as an addition to and shall become a part of the loan authorized by said chapter four hundred and six; and the sinking fund established under the provisions of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine and of acts in addition thereto shall be a sinking fund for the extinguishment of the debt authorized by this act, said fund to be increased in the following manner: — The treasurer and receiver-general shall from year to year, beginning with the year eighteen hundred and ninety-nine, apportion to said sinking fund an amount sufficient with its accumulations to extinguish the debt at maturity, and in making the assessment for the increase of said sinking fund upon the several cities and towns liable thereto one fifty-sixth part of the whole amount shall be assessed in each of the first seven years, beginning with the year eighteen hundred and ninety-nine; one sixtieth part in each of the next ten years, beginning with the year nineteen hundred and six; one thirtieth part in each of the next ten years, beginning with the year nineteen hundred and sixteen; and the remainder shall be equally distributed in the remaining years, beginning with the year nineteen hundred and twenty-six. Any premium realized from the sale of said scrip or certificates of debt shall be applied to the payment of the interest¹ on said loan as it accrues.

SECTION 2. Each of the cities and towns hereinafter named shall in the years eighteen hundred and ninety-nine and nineteen hundred, pay money into the treasury of the Commonwealth to meet the interest and sinking fund requirements for each of said years, as estimated by said treasurer, in the following proportions, to wit: — Boston, twenty-three and twenty-eight one hundredths per cent.;

To be an
addition to
and part of
loan author-
ized by 1895,
406, etc.

Payment
of debt.

Proportions
to be paid
by each city
and town.

¹ Premiums from sale of bonds to be paid into sinking fund. Acts 1906, chap. 338.

Dedham, thirteen and fifty-two one hundredths per cent.; Hyde Park, eighteen and thirteen one hundredths per cent.; Milton, forty-five and seven one hundredths per cent., said percentages being the same reported to the supreme judicial court by the apportionment commissioners in the year eighteen hundred and ninety-six, and accepted by said court.

**Appointment
of commis-
sioners to
determine
proportion to
be paid by
cities and
towns, etc.**

SECTION 3. The supreme judicial court sitting in equity shall on the application of the board of metropolitan sewerage commissioners, after notice to each of the cities and towns mentioned in this act, appoint three commissioners, who shall not be residents of any of the cities and towns mentioned in this act, who shall, after due notice and hearing and in such manner as they deem just and equitable, determine¹ for said system the proportion in which each of the cities and towns herein named shall annually pay money into the treasury of the Commonwealth for the term of five years next following the year nineteen hundred, to meet the interest and sinking fund requirements for the said five years, as estimated by said treasurer, and any deficiency in the amount previously paid in, as found by said treasurer, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners, and shall be binding on all parties.

**Commission-
ers to be
appointed
every five
years, etc.**

SECTION 4. Before the expiration of said term of five years and every five years thereafter, other commissioners, who shall not be residents of any of the cities or towns mentioned in this act, shall be appointed as aforesaid, upon application of said board as aforesaid, who shall in such manner as they deem just and equitable determine the proportion in which each of said cities and towns in said system shall annually pay money into the treasury of the Commonwealth as aforesaid for the next succeeding

¹ Basis for determining annual metropolitan sewerage assessments fixed. Acts 1906, chap. 260.

term of five years, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners, and shall be binding on all parties.

SECTION 5. The amount of money required each year from each city and town named in this act, to meet the interest and sinking fund requirements and cost aforesaid for each year, and the deficiency, if any, shall be estimated by said treasurer in accordance with the proportion determined as aforesaid, and shall be included in and made a part of the sum charged to such city or town, and be assessed upon it in addition to its annual state tax, and at the same time when that tax is assessed; and said treasurer shall in each year notify every such city and town of the amount of such assessment, which amount shall be paid by the city or town into the treasury of the Commonwealth at the time required for the payment of its state tax.

Amounts required each year from cities and towns to be estimated by treasurer, etc.

SECTION 6. The supreme judicial court shall have jurisdiction in equity to enforce the provisions of this act, and shall fix and determine the compensation of all commissioners appointed by said court under the provisions hereof.

Enforcement of provisions, compensation of commissioners.

SECTION 7. This act shall take effect upon its passage.
[Approved April 10, 1899.]

[Chapter 424 of the Acts of the Year 1899.]

AN ACT TO PROVIDE FOR THE CONSTRUCTION OF A HIGH-LEVEL GRAVITY SEWER FOR THE RELIEF OF THE CHARLES AND NEPONSET RIVER VALLEYS.

Be it enacted, etc., as follows:

SECTION 1. The board of metropolitan sewerage commissioners shall, for the purpose of constructing, maintaining and operating a system of sewage disposal for the south metropolitan system as hereinafter defined, construct, maintain and operate such mains, sewers and other

Construction, etc., of system of sewage disposal for the south metropolitan system.

Proviso.

works as may be necessary, in substantial accordance with plans outlined in a special report of said board to the general court of eighteen hundred and ninety-nine: *provided, however,* that no part of said proposed outlet, or sewerage system, between Hyde Park and the outlet, shall be constructed before the year nineteen hundred, and until plans for said outlet shall be further considered by said board, and adopted and approved by the state board of health.

South metropolitan system.

SECTION 2. The south metropolitan system shall include the present Charles river valley metropolitan sewerage district, comprising a part of Boston, the cities of Newton and Waltham, and the towns of Watertown and Brookline; the present Neponset valley metropolitan sewerage district, comprising a part of Boston and the towns of Dedham, Hyde Park and Milton; also Quincy and such portion of Dorchester, Roxbury and West Roxbury¹ as are not included in the present metropolitan sewerage areas, and as are so situated as to be drained into the proposed high-level sewer substantially as outlined on maps contained in the special report of the metropolitan sewerage commissioners to the general court of eighteen hundred and ninety-nine. Nothing herein shall be construed to vest any rights which cannot be extended to cities and towns or parts thereof other than those herein named, upon such terms and conditions as may hereafter be imposed by legislative enactment.²

Certain lands, water-courses, etc., may be taken.

SECTION 3. Said board, acting on behalf of the Commonwealth, may take by purchase or otherwise any lands, water-courses, rights of way or easements, and may take

¹ Braintree may be included in south metropolitan district. Acts 1910, chap. 546.

Wellesley may be included in south metropolitan district. Acts 1914, chap. 343.

² Board is authorized to include Watertown siphon in south metropolitan district. Acts 1900, chap. 464.

Board is authorized to provide additional sewerage facilities for Newton and Brookline. Acts 1901, chap. 204.

Board is authorized to construct extension of high-level sewer. Acts 1906, chap. 406.

Board is authorized to construct works that Quincy may drain into high-level sewer. Acts 1910, chap. 292.

by purchase or otherwise or enter and use existing sewers or parts of sewers necessary for carrying out, under the provisions of this act, the recommendations contained in the said report. When any lands, water-courses, rights of way or easements, or any sewers or parts of sewers are so taken or entered and used in any manner other than by purchase or agreement, said board shall, within thirty days of said taking or entering and using, cause to be recorded in the registry of deeds for the county or district in which such lands, water-courses, rights of way or easements, or sewers or parts of sewers lie, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same are taken or entered and used, which description shall be signed by a majority of said board; and the fee of the lands, or if an easement or other estate less than the fee therein be specified and described in the deed of purchase or in the description and statement of taking to be recorded as aforesaid, then such easement or estate therein as is so specified and described, and the water-courses, rights of way or easements, or sewers or parts of sewers so taken or purchased shall vest in the Commonwealth, which shall pay, in the manner hereinafter described, all damages Damages. Description of certain lands, etc., to be recorded, etc.

which may be sustained by any person or corporation by reason of such taking or entering as aforesaid. Such damages are to be agreed upon by said board and the person or corporation injured; and if the parties cannot agree a jury in the superior court of the county in which the property taken or damaged is situated may be had to determine the same, in the same manner as a jury is had and damages are determined in the case of persons dissatisfied with the estimate of damages sustained by the laying out of ways in the city of Boston: *provided, however,* that no suit for such damages shall be brought after the expiration of two years from the date of the recording of the taking or entering as herein required. Proviso.

**Sewers may
be carried
under or
over water-
courses,
streets, etc.**

SECTION 4. Said board may, for the purposes aforesaid, carry any sewer made by it under or over any water-course, or any street, turnpike road, railroad, highway or other way in such manner as not unnecessarily to obstruct or impede travel thereon; and may enter upon and dig up any such road, street or way for the purpose of laying sewers beneath the surface thereof and of maintaining and repairing the same; and in general may do any other acts and things necessary or convenient and proper for the purposes of this act. In entering upon and digging up any such road, street or way of public travel said board shall be subject to such reasonable regulations as may be made by the mayor and aldermen or selectmen of the cities and towns, respectively, wherein such work shall be performed.

**Board to be
subject to
certain
regulations.**

**Roads, etc.,
to be restored
to good con-
dition, etc.**

**Cities and
towns to be
reimbursed,
etc.**

Proviso.

**Board may
change direc-
tion of any
water-course,
location of
any high-
way, etc.**

SECTION 5. Whenever said board shall dig up any road, street or way, as aforesaid, it shall so far as practicable restore the same to as good order and condition as the same was in before such digging began; and the Commonwealth shall at all times indemnify and save harmless the several cities and towns within which such roads, streets or ways are situated, against all damages which may be recovered against them respectively, and shall reimburse them for all expenses which they may incur by reason of any defect or want of repair in any road, street or way, caused by the construction of any of said sewers, or by the maintaining or repairing of the same: *provided*, that said board has due and reasonable notice of all claims for such damages or injury, and opportunity to make a legal defence thereto.

SECTION 6. Said board may also change the direction of any water-course, and may with the consent of the mayor and aldermen of cities or selectmen of towns, widen or change the location or grade of any highway, townway, public street or other way of travel crossed by any sewers constructed under the provisions of this act, or in which such sewers may be located.

SECTION 7. Said board shall at all times keep accurate and complete accounts of its receipts, expenditures, assets and liabilities, and shall include an abstract of the same in its annual report to the general court.

Accounts of
receipts, ex-
penditures,
etc., to be
kept.

SECTION 8. Any city or town, within the limits of which any main sewer shall have been constructed under the provisions of this act, shall connect its local sewers with such main sewer, except as hereinafter provided, subject to the direction and control of said board, and any person, firm or corporation may, subject to the direction, control and regulation, from time to time, of said board, and subject to such terms, conditions and regulations as each city or town may prescribe, connect private drains with such main sewer: *provided*, that the said board shall, *Proviso*, without expense to the city of Quincy, make all connections and take and construct such intercepting sewers as may be necessary to enable the city of Quincy to drain by gravity its territory into said metropolitan sewer. The present pumping station and force mains of the city of Quincy shall be taken and paid for by said board of metropolitan sewerage commissioners, and said board shall build and operate such new force main or mains and pumping stations as may be necessary to enable the city of Quincy to drain its sewerage systems into said metropolitan sewer. The sewerage systems of all drainage areas not now drained by the south metropolitan system, which are constructed after the passage of this act, shall be constructed in accordance with the so-called separate system of sewerage.

Connecting of
local sewers
and private
drains with
main sewer.

SECTION 9. Any person or persons who shall wantonly or maliciously destroy or injure any sewer or other property held or used by said board by the authority and for the purposes of this act, shall forfeit and pay to the Commonwealth three times the amount of the damages that shall be assessed therefor, to be recovered by any proper action. And every such person or persons may, on com-

Penalty for
injury to
sewer, etc.

plaint, or indictment, and conviction of any of the wanton or malicious acts aforesaid, be punished by a fine not exceeding one thousand dollars, and by imprisonment not exceeding one year.

Board may dispose of certain property, etc.

Proviso.

Conveyance of real estate.

Proceeds to be paid into treasury.

Certain sums to be applied to payment of interest on loan.

Metropolitan Sewerage Loan.

SECTION 10. Said board may from time to time, and at public or private sale as they may deem best, dispose of any property, real or personal, no longer needed for the construction, maintenance or operation of the sewers authorized by this act: *provided*, that such sale shall not impair the maintenance and operation of said sewers.

SECTION 11. Real estate so sold may be conveyed, subject to such easements, reservations and restrictions as said board may deem necessary to secure the maintenance, renewal and operation of said sewers, by deed duly executed by said commissioners on behalf of the Commonwealth, with or without warranty.

SECTION 12. The net proceeds of any such sales, after deducting all necessary expenses incurred thereby, shall be paid into the treasury of the Commonwealth and shall be credited to and form a part of the fund to be used in the construction or maintenance of said sewers.

SECTION 13. Any money which may be received by the treasurer and receiver-general of the Commonwealth from checks deposited with said board by bidders for work, and by said board declared forfeited, and any sums received by said treasurer and receiver-general for breach of any contract made with said board, shall be applied to the payment of interest upon the loan made under authority of this act.

SECTION 14. To meet the expenses incurred under the provisions of this act for the construction of the sewerage works recommended the treasurer and receiver-general shall, with the approval of the governor and council, issue from time to time scrip or certificates of debt, in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding four million six hundred thousand

dollars,¹ for a term not exceeding forty years from the date thereof. Said scrip or certificates of debt shall be issued as registered bonds or with interest coupons attached, and shall bear interest not exceeding four per cent. per annum, payable on the first days of March and September in each year. Said interest and scrip or certificates shall be made payable, and when due shall be paid, in gold coin or its equivalent. Said scrip or certificates of debt shall be designated on the face thereof as the Metropolitan Sewerage Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth, redeemable at the times specified therein in gold coin or its equivalent, and shall be sold and disposed of at public auction or in such other mode and at such times and prices and in such amounts and at such rates of interest, not exceeding four per cent. per annum, as the treasurer and receiver-general, with the approval of the governor and council, shall deem for the best interests of the Commonwealth. Any scrip or certificates of debt issued under the provisions of this act shall be construed as an addition to and shall become a part of the loan authorized by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine; and the sinking fund established under the provisions of said chapter shall be a sinking fund for the extinguishment of the debt authorized by this act. The treasurer and receiver-general shall, on issuing any of said scrip or certificates of debt, apportion thereto from year to year an amount sufficient with its accumulation to extinguish the debt at maturity; but any such apportionment or assessment shall be at the rate of one eightieth part of the whole amount in each of the first ten years, one sixtieth part in each of the second ten years, one thirtieth part in each of the third ten years, and the remainder equally divided in the next ten years. Any premium realized on the sale of said scrip or said certificates of debt

To be an
addition to
and part of
loan author-
ized by 1889,
chap. 439,
etc.

Payment
of debt.

¹ For additional loans see table of Appropriations, Appendix No. 1.

shall be applied to the payment of the interest¹ on said loan as it accrues.

**Interest,
sinking fund
requirements,
etc., to be
assessed
upon cities
and towns.**

SECTION 15. The interest and sinking fund requirements and the cost of maintenance and operation of the Charles river system, incurred under the provisions of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, and the interest and sinking fund requirements and the cost of maintenance and operation of the Neponset river system, incurred under the provisions of chapter four hundred and six of the acts of the year eighteen hundred and ninety-five, and of acts in amendment thereof, shall be assessed upon the cities and towns of the south metropolitan district as hereinafter provided.

**Commis-
sioners to
determine
proportion to
be paid by
each city and
town, ap-
pointment,
etc.**

SECTION 16. The supreme judicial court sitting in equity shall, on the application of said board after notice to each of the cities and towns hereinbefore named, appoint three commissioners, who shall not be residents of any of the cities or towns mentioned in this act, who shall, after due notice and hearing and in such manner as they shall deem just and equitable, determine² the proportion in which each of the cities and towns hereinbefore named shall annually pay money into the treasury of the Commonwealth for a term of five years next after the year of the first issue of said scrip or certificates, to meet the interest and sinking fund requirements for each of said years, as estimated by said treasurer, and to meet the cost of maintenance and operation of said system for each of said years, as estimated by the said board and certified to said treasurer, and any deficiency in the amount previously paid in, as found by said treasurer, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners, and shall be binding on all parties.

¹ Premiums from sale of bonds to be paid into sinking fund. Acts 1906, chap. 338.

² Basis for determining metropolitan sewerage assessments fixed. Acts 1906, chap. 369.

SECTION 17. Before the expiration of said term of five years and every five years thereafter other commissioners, who shall not be residents of any of the cities or towns mentioned in this act, shall be appointed as aforesaid, who shall, in such manner as they deem just and equitable, determine the proportion in which each of said cities and towns in each of said systems shall annually pay money into the treasury of the Commonwealth as aforesaid for the next succeeding term of five years, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners, and shall be binding on all parties.

SECTION 18. The amount of money required each year from each such city and town to meet the interest, sinking fund requirements and cost aforesaid for that system in which it is included for each year, and the deficiency, if any, shall be estimated by said treasurer, in accordance with the proportion determined as aforesaid, and shall be included in and made a part of the sum charged to such city or town, and shall be assessed upon it in the apportionment and assessment of its annual state tax, and said treasurer shall in each year notify each such city and town of the amount of such assessment, which amount shall be paid by the city or town into the treasury of the Commonwealth at the time required for the payment and as a part of its state tax.

SECTION 19. The clerk of the board of metropolitan sewerage commissioners, or such other person as said board may designate, may have advanced to him from the money in the treasury of the Commonwealth received from the loan hereinbefore authorized, such sums, not exceeding ten thousand dollars¹ at any time, as the auditor may certify to be necessary to enable said board to make direct payments upon its pay-rolls and other accounts. The person so designated by said board shall give bond with

Commissioners to be appointed every five years, etc.

Amounts required each year from cities and towns to be estimated by treasurer, etc.

Certain sums may be advanced to commissioners, etc.

¹ Amount increased to \$20,000. Acts 1901, chap. 513.

sufficient sureties, to be approved by the auditor of the Commonwealth, in the sum of ten thousand dollars.

**Statement
of sums
expended to
be filed.**

SECTION 20. As soon as may be after expending such advance, and in any case within thirty days from the receipt thereof, the officer who has received money of the Commonwealth under the provisions of the preceding section shall file with the said auditor a statement in detail of the sums expended subsequent to the previous accounting, approved by said board, and, where it is practicable to obtain them, receipts or other like vouchers of the persons to whom the payments have been made.

**Enforcement
of provisions,
compensa-
tion of com-
missioners.**

SECTION 21. The supreme judicial court shall have jurisdiction in equity to enforce the provisions of this act, and shall determine the compensation of all commissioners appointed by said court under the provisions hereof.

**Payment
of certain
expenses.**

SECTION 22. The expense incurred by the board of metropolitan sewerage commissioners under the provisions of chapter four of the resolves of the year eighteen hundred and ninety-eight shall be charged to the fund to be used in the construction and maintenance of said sewers, and the amounts paid by the several cities and towns named in said resolve shall be repaid to said cities and towns, in the settlement of their proportionate part of the cost of the construction and maintenance of said sewers.

SECTION 23. This act shall take effect upon its passage. [*Approved May 27, 1899.*]

[Chapter 172 of the Acts of the Year 1900.]

AN ACT TO PROVIDE FOR THE ADDITION OF A PART OF THE TOWN OF WAKEFIELD TO THE NORTH METROPOLITAN SEWERAGE SYSTEM.

Be it enacted, etc., as follows:

**Part of town
of Wake-
field added**

SECTION 1. The territory of the town of Wakefield comprising that part of the town not now provided for in

the metropolitan sewerage system is hereby added to the north metropolitan sewerage district, created by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, entitled "An Act to provide for the building, maintenance and operation of a system of sewage disposal for the Mystic and Charles River valleys." In becoming a part of the metropolitan system said addition shall be subject to the provisions and shall conform to the requirements of the aforesaid act and of acts in amendment thereof and in addition thereto, except as herein provided, and the proportionate liability incurred by said addition shall be assumed by the town of

to the North
Metropolitan
sewerage
district, etc.

- Wakefield. Any authority granted to other municipalities by said act or acts in amendment thereof and in addition thereto is also vested in said town of Wakefield.

SECTION 2. The metropolitan sewerage commissioners shall provide an outlet at the Wakefield town line for the additional sewage of said town, and acting on behalf of the Commonwealth shall construct a main trunk sewer through such parts of the cities of Melrose and Malden as may be necessary, to a point in the north metropolitan system at or near Barrett's pond, as said commissioners may determine, but at a point sufficiently below the grade of the main sewer from Melrose not to impede the flow of sewage from said sewer as it empties into the main sewer in Malden.

Outlet to be
provided for
additional
sewage, etc.

SECTION 3. In providing said outlet and in receiving sewage from said addition and said town of Wakefield, and in any action in relation thereto, and for the purpose of taking, constructing and maintaining said additional main lines of sewer, the said board of sewerage commissioners, acting on behalf of the Commonwealth, shall have and exercise all the authority conferred upon them by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine and by acts in amendment thereof and in addition thereto regarding the

Metropolitan
sewerage
commissioners
to exercise
certain au-
thority, etc.

original system or anything relating thereto, and all the provisions of said chapter are hereby made applicable to this additional taking and construction, except as herein otherwise provided.

Metropolitan
Sewerage
Loan.

\$175,000.00.

SECTION 4. To meet the expenses incurred under the provisions of this act the treasurer and receiver-general shall, with the approval of the governor and council, issue scrip or certificates of debt, in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding one hundred and seventy-five thousand dollars,¹ for a term not exceeding thirty years. Said scrip or certificates of debt shall be issued as registered bonds or with interest coupons attached, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually on the first days of March and September in each year. Said interest and scrip or certificates shall be payable and when due shall be paid in gold coin or its equivalent. Said scrip or certificates of debt shall be designated on their faces, Metropolitan Sewerage Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth, redeemable at the time specified therein in gold coin or its equivalent, and shall be sold and disposed of at public auction or in such other mode and at such times and prices and in such amounts and at such rate of interest, not exceeding four per cent per annum, as the treasurer and receiver-general with the approval of the governor and council shall deem for the best interests of the Commonwealth. Any scrip or certificates of debt issued under the provisions of this act shall be considered as an addition to and shall become a part of the loan authorized by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, as amended by chapter three hundred and seven of the acts of the year eighteen hundred and ninety-four, and by chapter two hundred and ninety-four of the acts of the year eighteen hundred and ninety-five.

¹ For additional loans see table of Appropriations, Appendix No. 1.

SECTION 5. The interest and sinking fund requirements of the moneys expended in constructing the part of the sewerage system as provided for in this act, and the cost of maintenance and operation thereof, shall be deemed and paid as a part of the interest, sinking fund requirements and costs specified in section fifteen of said chapter four hundred and thirty-nine, and the sinking fund established under the provisions of said chapter shall be a sinking fund for the extinguishment of the debt authorized by this act, said funds to be increased in the following manner: — The treasurer and receiver-general shall from year to year, beginning with the year nineteen hundred, apportion to said sinking fund an amount sufficient with its accumulations to extinguish the debt at maturity; and in making the assessment for the increase of said sinking fund upon the several cities and towns liable thereto seven two hundred and fortieths of the whole amount shall be assessed in each of the first ten years, beginning with the year nineteen hundred, one thirtieth in each of the next ten years, beginning with the year nineteen hundred and ten, and the remainder shall be equally divided in the next ten years, beginning with the year nineteen hundred and twenty. Any premium realized from the sales of said scrip or certificates of debt shall be applied to the payment of the interest¹ on said loan as it accrues.

SECTION 6. The commissioners to be appointed by the supreme judicial court under the provisions of section fourteen of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, for the purposes specified in said section, and any other commissioners thereafter appointed for said purposes, shall include the town of Wakefield among the cities and towns whose proportions are to be determined as provided in said section.

SECTION 7. The board of metropolitan sewerage commissioners, until the town of Wakefield has been included

Town of
Wakefield to
be included
in determin-
ing propor-
tions to be
assessed.

Determination
of amount to
be paid by

¹ Premiums from sale of bonds to be paid into sinking fund. Acts 1906, chap. 338.

~~town until included in a finding of commissioners.~~

Proviso.

When to take effect.

in a finding of commissioners appointed by the supreme judicial court, shall each year determine the amount to be paid by said town in that year as its fair share of the interest, sinking fund requirements and cost of maintenance and operation of said north metropolitan sewerage system, and the same shall be certified by the treasurer and receiver-general and paid by said town as provided for payments of proportional parts of such interest, sinking fund requirements and costs by the other cities and towns in said district: *provided, however,* that no part of the cost of maintenance shall be assessed upon said town until its sewers are connected with the north metropolitan system as provided herein.

SECTION 8. This act shall take effect upon its acceptance by vote of a majority of the legal voters of said town of Wakefield present and voting thereon at a legal meeting called for that purpose. [Approved March 23, 1900.

[Chapter 184 of the Acts of the Year 1900.]

AN ACT TO PROVIDE ADDITIONAL OUTLETS FOR THE SEWAGE OF THE CITIES OF CHELSEA AND EVERETT.

Be it enacted, etc., as follows:

Additional outlets to be provided for sewage of Chelsea and Everett.

SECTION 1. The board of metropolitan sewerage commissioners shall provide additional outlets for the sewage of the cities of Chelsea and Everett by extending the metropolitan sewer from its present terminus, near the junction of Eastern avenue and Willoughby street in Chelsea, to and across the boundary line between Chelsea and Everett, in the best manner to serve the sewerage needs of those districts of said cities which are situated in the valley of Snake or Mill creek.

Connections with sewers.

SECTION 2. The cities of Chelsea and Everett and any persons and corporations may, subject to the control and

under the direction of the said board, make connections with any sewers constructed by the board under the authority of this act.

SECTION 3. In providing said outlets and in receiving sewage from said districts, and in any action in relation thereto, and for the purpose of constructing and maintaining said additional main lines of sewer, the said board of sewerage commissioners, acting on behalf of the Commonwealth, shall have and exercise all the authority conferred upon them by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine and by acts in amendment thereof and in addition thereto regarding the original system or anything relating thereto; and all the provisions of said chapter are hereby made applicable to this additional construction, except as herein otherwise provided.

Metropolitan
sewerage
commissioners
to exercise
certain
authority.

SECTION 4. To meet the expenses incurred under the provisions of this act the treasurer and receiver-general shall, with the approval of the governor and council, issue scrip or certificates of debt, in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding ninety thousand dollars,¹ for a term not exceeding thirty years. Said scrip or certificates of debt shall be issued as registered bonds or with interest coupons attached, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually on the first days of March and September in each year. Said interest and scrip or certificates shall be payable, and when due shall be paid, in gold coin or its equivalent. Said scrip or certificates of debt shall be designated on their face, Metropolitan Sewerage Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth, redeemable at the time specified therein, in gold coin or its equivalent, and shall be sold and disposed of at public auction or in such other

¹ For additional appropriations see table of Appropriations, Appendix No. 1.

mode and at such times and prices and in such amounts and at such rate of interest, not exceeding four per cent per annum, as the treasurer and receiver-general with the approval of the governor and council shall deem for the best interests of the Commonwealth. Any scrip or certificates of debt issued under the provisions of this act shall be considered as an addition to and shall become a part of the loan authorized by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, as amended by chapter three hundred and seven of the acts of the year eighteen hundred and ninety-four, and by chapter two hundred and ninety-four of the acts of the year eighteen hundred and ninety-five.

*Payment of
loan, etc.*

SECTION 5. The interest and sinking fund requirements of the moneys expended in constructing that part of the sewerage system provided for in this act, and the cost of maintenance and operation thereof, shall be deemed and paid as a part of the interest, sinking fund requirements and costs specified in section fifteen of said chapter four hundred and thirty-nine; and the sinking fund established under the provisions of said chapters shall be a sinking fund for the extinguishment of the debt authorized by this act, said funds to be increased in the following manner:— the treasurer and receiver-general shall from year to year, beginning with the year nineteen hundred, apportion to said sinking fund an amount sufficient with its accumulation to extinguish the debt at maturity; and in making the assessment for the increase of said sinking fund upon the several cities and towns liable thereto seven two hundred and fortieths of the whole amount shall be assessed in each of the first ten years, beginning with the year nineteen hundred, one thirtieth part in each of the next ten years, beginning with the year nineteen hundred and ten, and the remainder shall be equally divided in the next ten years, beginning with the year nineteen hundred and twenty. Any premium realized from the sale of said

scrip or certificates of debt shall be applied to the payment of the interest ¹ on said loan as it accrues.

SECTION 6. This act shall take effect upon its passage.
[Approved March 30, 1900.]

[Chapter 464 of the Acts of the Year 1900.]

AN ACT TO AUTHORIZE AND DIRECT THE BOARD OF METROPOLITAN SEWERAGE COMMISSIONERS TO REFUND TO THE TOWN OF WATERTOWN THE COST OF A SIPHON UNDER THE CHARLES RIVER.

Be it enacted, etc., as follows:

SECTION 1. The board of metropolitan sewerage commissioners is hereby authorized and directed to pay to the town of Watertown the sum of ninety-six hundred dollars,² with interest thereon at the rate of four per cent per annum from the first day of April in the year eighteen hundred and ninety-seven; said sum having been paid by the town of Watertown for a siphon with connected structures constructed under the direction of said board, extending under the Charles river from the eastern part of said town to the main sewer of the Charles river valley system of sewage disposal. Said siphon shall hereafter form a part of the south metropolitan system of sewers.

SECTION 2. To provide for the payment of the aforesaid sum the treasurer and receiver-general shall, with the approval of the governor and council, issue scrip or certificates of debt in the name and behalf of the Commonwealth and under its seal, to such amount as may be necessary, for a term not exceeding forty years from the date thereof. The scrip or certificates of debt so issued shall be construed as an addition to and shall become a part of the loan authorized by chapter four hundred and

Metropolitan
sewerage
commissioners
to refund
to town of
Watertown
cost of cer-
tain siphon,
etc.

Treasurer
and receiver-
general to
issue scrip,
etc.

¹ Premiums from sale of bonds to be paid into sinking fund. Acts 1906, chap. 338.

² For additional loans see table of Appropriations, Appendix No. 1.

Sinking
fund, etc.

thirty-nine of the acts of the year eighteen hundred and eighty-nine; and the sinking fund established under the provisions of said chapter shall be a sinking fund for the extinguishment of the debt authorized by this act. The interest and sinking fund requirements of said debt and the cost of maintenance and operation of said siphon shall be assessed upon the cities and towns of the south metropolitan district in the manner provided by chapter four hundred and twenty-four of the acts of the year eighteen hundred and ninety-nine.

SECTION 3. This act shall take effect upon its passage.
[Approved July 16, 1900.]

METROPOLITAN WATER AND SEWERAGE BOARD.

LEGISLATION, 1901-1914.

[Chapter 168 of the Acts of the Year 1901.]

**AN ACT TO CONSOLIDATE THE METROPOLITAN WATER
BOARD AND THE BOARD OF METROPOLITAN SEWERAGE
COMMISSIONERS.**

Be it enacted, etc., as follows:

SECTION 1. A board is hereby created which shall be known as the Metropolitan Water and Sewerage Board, and shall consist of three members, who shall be appointed by the governor with the advice and consent of the council.

Metropolitan
Water and
Sewerage
Board created.

SECTION 2. The term of office of the members of said board shall be three years, beginning from the date of their appointment, but of the members first appointed one shall be appointed for the term of five years, one for the term of four years and one for the term of three years from said date of appointment. The governor shall designate one of the members of said board as chairman, and shall also designate the term for which each member is appointed.

Term of
office of mem-
bers, etc.

Chairman,
etc.

SECTION 3. The chairman of said board shall receive compensation. a salary of five thousand dollars a year, and each of the other members shall receive a salary of forty-five hundred dollars a year.

SECTION 4. The governor shall have power to remove any member of said board, with the advice and consent of the council, and to fill all vacancies therein, by appointing for the remainder of any unexpired term in the same manner in which appointments are authorized for a full term.

Removals,
vacancies.

The metropolitan water board and board of metropolitan sewerage commissioners abolished, etc.

Existing contracts, etc., not affected.

SECTION 5. The metropolitan water board and the board of metropolitan sewerage commissioners are hereby abolished. All the powers, rights, duties and liabilities of said metropolitan water board and of said board of metropolitan sewerage commissioners, and of each of them, are hereby transferred to the Metropolitan Water and Sewerage Board created by this act. No existing contracts, liabilities or suits shall be affected hereby, but the board hereby created shall in all respects and for all purposes whatsoever be the lawful successor of said metropolitan water board and of said board of metropolitan sewerage commissioners.

SECTION 6. This act shall take effect upon its passage.
[Approved March 20, 1901.]

(Chapter 204 of the Acts of the Year 1901.)

**AN ACT TO PROVIDE ADDITIONAL SEWERAGE FACILITIES FOR
 THE CITY OF NEWTON AND THE TOWN OF BROOKLINE.**

Be it enacted, etc., as follows:

Metropolitan sewer to be extended.

Newton and Brookline, etc., may make connections with sewer.

The Metropolitan Water and Sewerage Board to exercise certain authority, etc.

SECTION 1. The metropolitan water and sewerage board shall extend the metropolitan sewer from a branch in St. Joseph's cemetery in West Roxbury to and across the boundary line between Newton and Brookline, in the manner best adapted to serve the sewerage needs of those municipalities.

SECTION 2. The city of Newton and the town of Brookline, and any persons and corporations, may, subject to the control and under the direction of the said board, make connections with any sewers constructed by the board under the authority of this act.

SECTION 3. In making said extension and in receiving sewage from said districts, and in any action relating thereto, and for the purpose of constructing and maintaining said additional main lines of sewer, the said board,

acting on behalf of the Commonwealth, shall have and exercise all the authority conferred by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, by chapter four hundred and six of the acts of the year eighteen hundred and ninety-five, and by acts in amendment thereof and in addition thereto regarding the original system or anything relating thereto, and by chapter one hundred and sixty-eight of the acts of the year nineteen hundred and one; and all the provisions of said chapters are hereby made applicable to this additional construction, except as herein otherwise provided.

SECTION 4. To meet the expenses incurred under the provisions of this act the treasurer and receiver-general shall, with the approval of the governor and council, issue scrip or certificates of debt, in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding forty thousand dollars,¹ for a term not exceeding forty years. Such scrip or certificates of debt shall be issued as registered bonds or with interest coupons attached, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually on the first days of March and September in each year. The said interest and scrip or certificates shall be payable and when due shall be paid in gold coin or its equivalent. Said scrip or certificates of debt shall be designated on their face, Metropolitan Sewerage Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth, redeemable at the time specified therein, in gold coin or its equivalent, and shall be sold or disposed of at public auction or in such other mode and at such times and prices and in such amounts and at such rate of interest, not exceeding four per cent per annum, as the treasurer and receiver-general with the approval of the governor and council shall deem for the best interests of the Commonwealth. Any scrip or cer-

Metropolitan
Sewerage
Loan.

¹ For additional loans see table of Appropriations, Appendix No. 1.

tificates of debt issued under the provisions of this act shall be considered as an addition to and shall become a part of the loan authorized by chapter four hundred and six of the acts of the year eighteen hundred and ninety-five and acts in amendment thereof and in addition thereto.

**Payment of
loan, etc.**

SECTION 5. The interest and sinking fund requirements of the moneys expended in constructing that part of the sewerage system provided for in this act, and the cost of maintenance and operation thereof, shall be deemed and paid as a part of the interest, sinking fund requirements and costs specified in said chapter four hundred and six and acts in amendment thereof and in addition thereto; and the sinking fund established under the provisions of said chapter shall be a sinking fund for the extinguishment of the debt authorized by this act, said funds to be increased in the following manner:— The treasurer and receiver-general shall from year to year, beginning with the year nineteen hundred and one, apportion to said sinking fund an amount sufficient with its accumulations to extinguish the debt at maturity; and in making the assessment for the increase of said sinking fund upon the several cities and towns liable thereto such proportions of the whole amount shall be assessed in each year as will harmonize with the proportions to be assessed on account of the sinking fund for loans now outstanding for the Neponset river valley metropolitan sewer system. Any premium realized from the sale of said scrip or certificates of debt shall be applied to the payment of the interest¹ on said loan as it accrues.

**When to
take effect.**

SECTION 6. This act shall take effect when the town of Brookline² appropriates money to construct a sewer or sewers in said town to connect with the extension of the metropolitan sewer provided for by this act. [Approved March 26, 1901.

¹ Premiums from sale of bonds to be paid into sinking fund. Acts 1906, chap. 338.
² Appropriation by the town of Brookline was made March 27, 1901.

[Chapter 818 of the Acts of the Year 1901.]

**AN ACT TO AUTHORIZE THE TEMPORARY TAKING OF WATER
FOR EMERGENCY PURPOSES BY CITIES AND TOWNS.**

Be it enacted, etc., as follows:

SECTION 1. Cities by their city councils, and towns having a system of water supply by their water commissioners or selectmen, may in cases of emergency and for a period not exceeding six months in any one year, take water from any brook, stream, river, lake, pond or reservoir, not already appropriated to uses of a municipal water supply, in such quantities as may be necessary to relieve the emergency; but water commissioners or selectmen of towns shall not make any such taking unless previously authorized so to do at some meeting of the inhabitants of the town regularly called therefor. They may also take such rights to use any land and for such time as may be necessary to use such water. Such vote of a city council or of a town meeting shall be conclusive as to the existence of the emergency. No such taking shall be made until the state board of health shall have first approved the water as a proper source of water supply.

Cities and certain towns may in cases of emergency take water from certain brooks, etc.

Water to be approved by state board of health.

SECTION 2. The city councils of cities and the water commissioners or selectmen of towns shall cause to be recorded in the registry of deeds for the county or district in which such water and land are situated, within thirty days after the taking, a description sufficiently accurate for identification, with a statement of the purpose and the time for which the same are taken, which statement shall be signed by the mayor of the city or by the chairman of the water commissioners or selectmen of the town making the taking, and upon such recording the right to use for the time stated in such taking shall vest in such city or town.

Description of taking to be recorded, etc.

SECTION 3. The city councils of cities and the water commissioners or selectmen of towns shall within sixty

Damages.

days after the termination of the exercise of any right taken under the provisions of this act estimate and determine, as near as may be, the actual damages sustained by any person by the taking of any water and of the right to use any land under this act; but any one aggrieved by such determination may have such damages assessed by a jury of the superior court, in the same manner as is provided by law with respect to damages sustained by the laying out of ways. If upon trial damages are increased beyond the amount determined as aforesaid, the aggrieved person shall recover costs, otherwise such person shall pay costs, and costs shall be taxed as in civil cases; but no suit or petition for such damages shall be brought after the expiration of two years from the date of the recording of the description and statement as aforesaid.

Certain
duties, etc.,
to be exer-
cised by the
metropolitan
water and
sewerage
board.

SECTION 4. The powers conferred upon and the duties to be performed by the city councils and mayors of cities under this act shall within those cities and towns using the metropolitan water supply be exercised by the metropolitan water and sewerage board. [Approved April 23, 1901.]

[Chapter 442 of the Acts of the Year 1901.]

AN ACT RELATIVE TO BONDS REQUIRED TO BE GIVEN UNDER CERTAIN CONTRACTS MADE BY THE METROPOLITAN WATER AND SEWERAGE BOARD.

Be it enacted, etc., as follows:

1897, 339,
amended.

Certain
rights, etc.,
of cities and
towns not
affected.

Chapter three hundred and thirty-nine of the acts of the year eighteen hundred and ninety-seven is hereby amended by inserting at the end thereof the following:— Nothing herein contained shall be construed to deprive any city or town of any rights or remedies under laws existing at the time of the passage of this act. [Approved May 29, 1901.]

[Chapter 453 of the Acts of the Year 1901.]

**AN ACT TO PROVIDE FOR AN ADDITIONAL METROPOLITAN
WATER LOAN.**

Be it enacted, etc., as follows:

SECTION 1. The treasurer and receiver-general of the Commonwealth shall from time to time, on the request of the metropolitan water and sewerage board, issue negotiable bonds in the name and behalf of the Commonwealth and under its seal, designated on the face thereof, Metropolitan Water Loan, to an amount not exceeding thirteen million dollars,¹ in addition to the twenty-seven million dollars authorized to be issued under the provisions of section seventeen of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five; and the provisions of said chapter and of acts in amendment thereof and in addition thereto shall apply to this additional loan, to the same extent as if the amount authorized by said act had been forty million dollars instead of twenty-seven million dollars.

SECTION 2. This act shall take effect upon its passage.
[Approved June 5, 1901.]

[Chapter 459 of the Acts of the Year 1901.]

AN ACT TO CHANGE THE AMOUNT TO BE ASSESSED ANNUALLY UPON CITIES AND TOWNS UNDER THE ACT TO PROVIDE FOR A METROPOLITAN WATER SUPPLY.

Be it enacted, etc., as follows:

SECTION 1. Section nineteen of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, being "An Act to provide for a Metropolitan Water Supply", is hereby amended by striking

¹ For additional loans see table of appropriations, Appendix No. 2.

Treasurer
to estimate
amount re-
quired for
payment of
expenses, etc.

Provisos.

out all after the word "treasurer", in the thirty-second line, to and including the word "apportioned", in the forty-fourth line, so as to read as follows:— *Section 19.* Said treasurer shall in each year estimate the amount, in addition to the premiums from sales of said bonds and the proceeds from the operations of said board, exclusive of the proceeds from sales of property, required during the year to pay the interest, sinking fund requirements, expenses of maintenance and operation of said water works, and shall apportion to the city of Boston¹ the proportion of such amount that the valuation of said city for the preceding year bears to the total of all such valuations of all cities and towns in said water district: *provided, how-ever,* there shall be included only one sixth of the total valuation of any such city and town which has not reached the safe capacity of its present sources of supply in a dry year, as determined by said water board and certified to said treasurer, and has not made application to said board for water, and the remainder to the other cities and towns in said district, one third in proportion to their respective valuations and the remaining two thirds in proportion to their respective populations, including however only one sixth of the total valuation and one sixth of the total population of any such city and town which has not reached the safe capacity of its sources or of the sources of supply of the water company by which a town is supplied, or has not made application for water as aforesaid; and *provided, further,* that any city or town assessed upon its full valuation and population, which furnishes a part of its water supply from its own works or receives a supply from a water company, shall be allowed and credited in its apportionment with a sum equal to twelve dollars² for each million gallons of water furnished as aforesaid, as determined by said water board and certified to said treasurer.

¹ Method of assessment changed for all cities and towns except Boston, Acts 1904, chap. 426; for Boston, Acts 1906, chap. 457.

² Amount credited changed to \$24. Acts 1913, chap. 422.

Said treasurer shall in each year notify each city and town <sup>Payment
of assess-
ments.</sup> of the amount of its assessment, and the same shall be paid by the city or town into the treasury of the Commonwealth at the time required for the payment and as part of its state tax.

SECTION 2. This act shall take effect upon its passage.
[Approved June 13, 1901.]

[Chapter 498 of the Acts of the Year 1901.]

AN ACT TO EXTEND THE TIME FOR FILING PETITIONS FOR DAMAGES, AND OFFERS OF SURRENDER OF REAL ESTATE, UNDER THE ACT TO PROVIDE FOR A METROPOLITAN WATER SUPPLY.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter three hundred and forty-two of the acts of the year eighteen hundred and ninety-nine, as amended by section one of chapter one hundred and eight of the acts of the year nineteen hundred, is hereby further amended by striking out the word "one", in the seventeenth line, and inserting in place thereof the word:— four,— so as to read as follows:—

Section 1. Petitions under the provisions of section fourteen of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, or of section one of chapter four hundred and forty-five of the acts of the year eighteen hundred and ninety-seven, and acts in amendment thereof or in addition thereto, for the determination of damages for the taking of real estate may be filed, as provided by law, within two years after the actual taking by right of eminent domain of such real estate or of any interest therein, and petitions for the determination of damages for the taking of water rights where no land is taken in connection with such water rights, and for the determination of all other damage pro-

Time within
which certain
petitions for
damages,
etc., may be
filed,
extended.

vided for in said acts, and offers of surrender of real estate provided for in said acts, may be filed on or before the first day of July in the year nineteen hundred and four.¹

SECTION 2. This act shall take effect upon its passage.
[Approved June 13, 1901.]

[Chapter 505 of the Acts of the Year 1901.]

**AN ACT RELATIVE TO THE PAYMENT TO CERTAIN PERSONS
 IN THE TOWN OF CLINTON OF DAMAGES SUSTAINED
 UNDER THE ACT TO PROVIDE FOR A METROPOLITAN
 WATER SUPPLY.**

Be it enacted, etc., as follows:

**1895, 488,
 § 14, etc.,
 amended.**

**Determina-
 tion of
 damages to
 certain busi-
 ness estab-
 lishments.**

SECTION 1. Section fourteen of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, as amended by chapter five hundred and fifty-one of the acts of the year eighteen hundred and ninety-eight, is hereby further amended by inserting after the word "Boylston", in the fifth and eleventh lines, respectively, of section one of said chapter five hundred and fifty-one, the words: — or in that part of the town of Clinton within the limits of the Wachusett reservoir, — so that said section fourteen of chapter four hundred and eighty-eight, after the word "court", in the fiftieth line, shall read as follows: — In case any individual or firm owning on the first day of April in the year eighteen hundred and ninety-five an established business on land in the town of West Boylston, or on land in the town of Boylston, or in that part of the town of Clinton within the limits of the Wachusett reservoir, whether the same shall be taken or not under this act, or the heirs or personal representatives of such individual or firm, shall deem that such business is decreased in value by the carrying out of this act, whether by loss of custom or otherwise, and unable to agree with said board as to the

¹ Time is extended to July 1, 1905. Acts 1904, chap. 186.

amount of damages to be paid for such injury, such damages shall be determined and paid in the manner hereinbefore provided. The words "real estate", as used in this section, shall include water rights, and in the case of mills all machinery thereon.

SECTION 2. This act shall take effect upon its passage.

[Approved June 14, 1901.]

[Chapter 509 of the Acts of the Year 1901.]

AN ACT TO REQUIRE THE METROPOLITAN WATER AND SEWERAGE BOARD TO IMPROVE THE CONDITION OF THE COCHITUATE WATER BASIN.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan water and sewerage board, within two years from the passage of this act, shall cause that part of the Cochituate reservoir known as Pegan Meadow, located in the town of Natick, and that part of said reservoir in the towns of Wayland and Natick known as Snake Brook meadow, to be cleaned and excavated to a level of three feet above the bottom of the aqueduct from said reservoir, and the banks of the said meadows to be improved so that mud deposits shall not be exposed thereon at low stages of the water; and in the execution of this work the board may decrease the flowed area of the said meadows to such extent as it shall see fit. The cost of said work shall be paid out of the Metropolitan Water Loan Fund: *provided, however,* that the amount so expended shall not exceed one hundred thousand dollars; and if the board shall find it impossible to excavate said meadows to the depth herein specified and to carry out all the provisions hereof for said sum, then said work shall be prosecuted to such extent as may reasonably be done for the sum of one hundred thousand dollars.

SECTION 2. The provisions of section twenty-eight of chapter four hundred and eighty-eight of the acts of the

Condition of
Cochituate
water basin
to be im-
proved, etc.

Proviso.

Certain pro-
visions of
law to apply.

year eighteen hundred and ninety-five for the enforcement of the act to provide for a metropolitan water supply shall apply to this act.

SECTION 3. This act shall take effect upon its passage.
[Approved June 14, 1901.]

[Chapter 513 of the Acts of the Year 1901.]

AN ACT TO AUTHORIZE THE ADVANCEMENT OF MONEYS FOR THE PURPOSES OF THE METROPOLITAN WATER AND SEWERAGE BOARD.

Be it enacted, etc., as follows:

1895, 488,
 § 18,
 amended.

Certain sums
 of money
 may be ad-
 vanced for
 the purposes
 of the
 metropolitan
 water and
 sewerage
 board, etc.

SECTION 1. There may be advanced from the treasury of the Commonwealth to such person as shall be designated by the metropolitan water and sewerage board such sums of money, not exceeding twenty thousand dollars at any one time, as the auditor of accounts may certify to the treasurer of the Commonwealth to be necessary to enable said board to make direct payments upon their pay rolls and other accounts. Said sum may be advanced from any loan or appropriation under the control of the metropolitan water and sewerage board. The person to whom this money is advanced shall within thirty days from the receipt of any sum file with the auditor of accounts a statement in detail of the moneys expended, approved by the metropolitan water and sewerage board, and, where it is practicable to obtain them, receipts or other like vouchers of the persons to whom the payments have been made. The person so designated shall give a bond with sufficient sureties, to be approved by the auditor of accounts, in the sum of twenty thousand dollars.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.
[Approved June 14, 1901.]

[Chapter 516 of the Acts of the Year 1901.]

**AN ACT TO PROVIDE FOR CERTAIN ANNUAL PAYMENTS TO
THE TOWN OF HOPKINTON ON ACCOUNT OF THE CON-
STRUCTION OF THE METROPOLITAN WATER SYSTEM.**

Be it enacted, etc., as follows:

SECTION 1. The treasurer of the Commonwealth shall pay to the town of Hopkinton as a part of the expenses of the metropolitan water works, the sum of twelve hundred dollars in the month of September in the year nineteen hundred and one, and a like sum in the same month in each succeeding year until ten years after the reservoirs or basins situated in said town cease to be a part of the metropolitan water system: *provided*, that the town shall continue to be a municipality during that time; but shall pay no tax and make no other payment to said town on account of any property held by said water board for the purposes of a water supply.

Treasurer of
the Common-
wealth to
make certain
annual pay-
ments to the
town of
Hopkinton.

Proviso.

SECTION 2. This act shall take effect upon its passage.
[Approved June 18, 1901.]

[Chapter 101 of the Resolves of the Year 1901.]

**RESOLVE TO PROVIDE FOR THE APPOINTMENT OF A COM-
MITTEE TO DETERMINE WHETHER COMPENSATION
SHOULD BE PAID TO THE TOWNS OF CLINTON, STER-
LING AND HOLDEN BY REASON OF THE CONSTRUCTION
OF THE WACHUSSETT RESERVOIR BY THE METROPO-
LITAN WATER AND SEWERAGE BOARD.**

Resolved, That the governor of the Commonwealth is hereby authorized to appoint a committee of three persons to determine whether any, and what amount of, compensation should be paid to the towns of Clinton, Sterling and Holden, as municipalities, and not to the individual citizens thereof, by reason of the construction of the Wachusett reservoir, or of any other acts done under

Committee to
determine as
to compen-
sation to
Clinton, Ster-
ling and
Holden by
reason of the
construction
of the
Wachusett
reservoir,
appoint-
ment, etc.

authority of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five and the amendments thereof. The said committee shall receive such compensation for their services as the governor and council may fix, and shall report to the general court at its next session, not later than the fifteenth day of January in the year nineteen hundred and two. Any vacancy occurring in the committee may be filled by the governor.

[Approved June 10, 1901.]

[Chapter 101 of the Acts of the Year 1902.]

**AN ACT TO FIX THE TIME WHEN PROPERTY SHALL BE
DEEMED TO BE TAKEN FOR THE METROPOLITAN SEW-
ERAGE WORKS.**

Be it enacted, etc., as follows:

Description
of property
to be re-
corded, etc.

Record of
description
to fix time
of taking.

SECTION 1. The metropolitan water and sewerage board, in order hereafter to take any property by right of eminent domain for the metropolitan sewerage works, shall sign and cause to be recorded in the registry of deeds for the county and district in which the property to be taken is situated, a statement containing a description thereof, as certain as is required in a common conveyance of land, and stating that the same is taken for the metropolitan sewerage works; and upon such recording the rights, easements and other property described in such statement shall be taken for the Commonwealth for the purposes of the metropolitan sewerage works. Said board, after it has so taken any property under the right of eminent domain, shall notify the owner thereof, and upon his request, within three years after such taking, shall, within thirty days after such request, furnish him with a description in writing of the land or other property so taken from him.

SECTION 2. This act shall take effect upon its passage.

[Approved February 24, 1902.]

[Chapter 189 of the Acts of the Year 1902.]

**AN ACT TO AUTHORIZE THE METROPOLITAN WATER AND
SEWERAGE BOARD TO FURNISH WATER TO COMPANIES
OWNING WATER PIPE SYSTEMS IN SECTIONS OF CERTAIN
CITIES AND TOWNS.**

Be it enacted, etc., as follows:

SECTION 1. The metropolitan water and sewerage board may from time to time furnish water to any¹ water company which owns the water pipe systems in a section of a city or town, for the supply of such section, although the city or town, or a part of the city or town, is within ten miles of the state house, and the city or town has not been admitted into the metropolitan water district, on payment by the water company of such sum of money as the said board may determine: *provided, however,* that the sum so determined in any case shall in the opinion of the board exceed the proper proportion of the entire assessment which would be imposed upon the city or town were it a part of the metropolitan district.

1895, 488, § 8,
amended.

The metropolitan water and sewerage board may furnish water to certain companies.

Proviso.

SECTION 2. This act shall take effect upon its passage.

[Approved March 19, 1902.]

[Chapter 307 of the Acts of the Year 1902.]

AN ACT TO SUPPLY THE TOWN OF MILTON WITH WATER.

Be it enacted, etc., as follows:

SECTION 1. The town of Milton may supply itself and its inhabitants with water for the extinguishment of fires and for domestic, manufacturing and other purposes; and may establish fountains and hydrants and relocate or discontinue the same, and may regulate the use of such water and fix and collect rates to be paid for the use of the same.

Town of
Milton may
supply itself
with water.

¹ Amended by Acts 1909, chap. 258.

Town may
be admitted
into the
metropolitan
water dis-
trict.

SECTION 14. The metropolitan water and sewerage board shall on application admit the town of Milton into the metropolitan water district, and shall furnish water to the town on the terms prescribed by chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five and of acts in amendment thereof and in addition thereto, for the cities and towns included in the metropolitan water district, and on payment of such sum of money as said board may determine to be just.

Question of
acceptance
to be sub-
mitted to
voters.

SECTION 16. This act shall be submitted to the qualified voters of the town of Milton for their acceptance and shall be void unless such voters, voting at a legal meeting called for that purpose in the same manner in which meetings for town elections are called, or at any annual town meeting, shall, within six months after the passage of this act, determine by ballot by a majority vote of those present and voting thereon to accept the same. . . .

When to
take effect.

SECTION 17. So much of this act as authorizes the submission of the question of its acceptance to the qualified voters of said town shall take effect upon its passage, but it shall not take further effect until accepted¹ as hereinbefore provided by the qualified voters of said town; and the number of meetings called for the purpose of voting upon the question of its acceptance shall not exceed three. [*Approved April 17, 1902.*]

[Chapter 351 of the Acts of the Year 1902.]

**AN ACT TO AUTHORIZE THE CITY OF WORCESTER TO IN-
CREASE ITS WATER SUPPLY.**

Be it enacted, etc., as follows:

City of
Worcester
may take cer-
tain waters,
lands, etc.,

SECTION 1. The city of Worcester is hereby authorized, for the purpose of increasing its water supply, to take by purchase or otherwise, from time to time, and to

¹ Accepted by the town of Milton July 14, 1902.

hold and convey into and through said city the waters of Kendall brook, so-called, at or near the dam of Kendall reservoir, and the waters of Asnebumskit brook, so-called, at or near an elevation of eight hundred feet above mean sea level at Boston, and the waters upon the watershed between said two brooks at or near an elevation of eight hundred feet above mean sea level at Boston, all of said places of taking being in the town of Holden, and also the water in any reservoirs thereon and the waters flowing into and from the same, and all springs and tributaries thereto, and the water rights connected with said sources above said places of taking; and the said city may take existing reservoirs and ponds upon said streams above the points at which it may take the said waters; and may by aqueduct bring the waters so taken directly into the city or through any reservoir and any aqueduct belonging to said city and now existing; and may construct and lay conduits, pipes and other works under or over lands, water courses, railroads, railways, public or private ways and along such ways; and may take by purchase or otherwise and hold in fee or otherwise any lands, dams or structures, easements or rights in land on and around said Kendall brook and reservoir up to an elevation of about eight hundred and fifty feet above said mean sea level, and between said Kendall reservoir and other reservoirs of said city on Tatnuck brook in said Holden, and between said Kendall reservoir and said Asnebumskit brook up to an elevation of about nine hundred and forty feet above said mean sea level; and the said city may build and maintain dams, conduits, canals, water courses, pipes, reservoirs, and such other works as may be deemed necessary for collecting, purifying, storing, discharging, conducting or distributing said waters or preserving the purity thereof.

SECTION 2. The rights herein granted to the city of Worcester shall be subject to the rights granted to the The rights
herein granted
the city of

Worcester to
be subject to
the rights
granted the
Leicester
Water Supply
District, etc.

Proviso.

Leicester Water Supply District by chapter two hundred and thirty of the acts of the year eighteen hundred and ninety-five, and if said Leicester Water Supply District shall exercise any rights conferred by said chapter after the taking herein authorized to be made by the city of Worcester the Leicester Water Supply District shall pay to the city of Worcester all damages thereby sustained by it, to be ascertained and determined in the manner and within the time set forth in chapter three hundred and sixty-one of the acts of the year eighteen hundred and seventy-one: *provided*, that from the time when the city of Worcester first diverts the waters of Asnebumskit brook, until the time when an additional source of water supply embracing more than twenty-five square miles of watershed is obtained for the metropolitan water district, the city of Worcester shall not draw water from the sources authorized by this act when water is running to waste past the lowest water works dam of said city on Tatnuck brook; nor, in case the amount of water stored in the reservoirs on Tatnuck brook exceeds one half the total capacity of such reservoirs, shall the city draw water from the sources so authorized when water is running to waste past the lowest water works dam of said city on either Tatnuck brook or Lynde brook; nor, in case the amount of water stored in the reservoirs on Tatnuck brook exceeds three fourths of the total capacity of such reservoirs, shall the city draw water from the sources so authorized when water is running to waste past the lowest water works dam of said city on either Tatnuck brook or Lynde brook or Kettle brook, except that the fact of a waste of water past the Kettle brook dam shall not prevent the drawing of water as aforesaid, if the flow of Kettle brook at the head of the conduit or conduits which convey its water toward the Lynde brook reservoir is in excess of the capacity of such conduit or conduits.

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SECTION 4. The city shall be liable for all damages to ~~Damages.~~ property sustained by the Commonwealth or by any persons by the taking of any land, easements, rights in land, water or water rights as aforesaid, or by the construction of any aqueducts, reservoirs or other works by authority hereof, the same to be ascertained and determined so far as the Commonwealth is concerned in the manner set forth in chapter four hundred and fifty-six of the acts of the year eighteen hundred and ninety-seven, and so far as all other persons are concerned in the manner and within the time set forth in said chapter three hundred and sixty-one of the acts of the year eighteen hundred and seventy-one: *provided, however,* that no application shall be made for ~~Proviso.~~ the assessment of damages for the taking of any water or water rights or for any injury thereto until the water is actually diverted under authority of this act, and no water shall be diverted until said city has given at least six months notice to all parties by publishing the same in two daily newspapers published in said Worcester, said notice to set forth the fact that said city intends to divert said waters and to fix the exact day upon which it intends to divert the same; and the day so fixed shall be deemed the time of actual diversion, and the application aforesaid may be made within one year after such actual diversion.

SECTION 6. This act shall take effect upon its passage.
[Approved April 29, 1902.]

[Chapter 391 of the Acts of the Year 1902.]

AN ACT TO PROVIDE FOR THE MEASUREMENT OF WATER SUPPLIED TO CITIES AND TOWNS BY THE METROPOLITAN WATER AND SEWERAGE BOARD.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan water and sewerage ^{Water sup-} board is hereby authorized to construct and maintain _{plied to cities and}

towns in the metropolitan water district to be measured, etc.

Report to be made of quantity of water supplied to each city and town, etc.

such works and to provide such other means as it may deem necessary for measuring the water supplied to each of the cities and towns in the metropolitan water district, and the expenses thereof shall be considered as a part of the expenditure required for the construction and maintenance, respectively, of the metropolitan water works.

SECTION 2. The said board shall report to the next general court¹ the quantity of water supplied to each of the said cities and towns, and shall also report whether water is being used therein unnecessarily or improperly, and shall make recommendations as to the manner in which waste may be prevented and as to the manner in which the consumption of water may be considered in the apportionment among the cities and towns of the annual assessment required for the construction and maintenance of the metropolitan water works.

SECTION 3. This act shall take effect upon its passage.
[Approved May 13, 1902.]

[Chapter 392 of the Acts of the Year 1902.]

AN ACT TO AUTHORIZE THE TOWN OF NATICK TO ENLARGE AND IMPROVE ITS SYSTEM OF WATER SUPPLY.

Be it enacted, etc., as follows:

Town of Natick may take certain waters, lands, etc.

SECTION 1. The town of Natick, acting by its water commissioners, may enlarge and improve its system of water supply established under the provisions of chapter seventy-six of the acts of the year eighteen hundred and seventy-three and acts in amendment thereof and in addition thereto, and may construct and maintain driven, artesian or other wells upon a parcel of land owned by the town and bounded northerly by Worcester street, easterly by the Saxonville branch of the Boston and Albany railroad, and southerly and westerly by land of the city of Boston; may take, hold and convey into and

¹ Time is extended to Feb. 1, 1904. Res. 1903, chap. 41.

through said land, and thence through said town, from Lake Cochituate, at any convenient point upon the same, within said town and within one half mile of said parcel of land, sufficient water for the use of said town and its inhabitants for the extinguishment of fires and for domestic and other purposes; may take, for the purposes aforesaid, by purchase or otherwise, and hold any lands, rights of way and easements necessary for laying, constructing and maintaining pipes, aqueducts, water courses, reservoirs, and such other works as may be necessary for holding, conveying and distributing said water or for preserving the purity thereof; and may construct and lay conduits, pipes and other works, under and over any land, water courses, railroads, railways or public or private ways, in such manner as not unnecessarily to obstruct the same.

SECTION 8. This act shall take effect upon its passage.
[Approved May 13, 1902.]

[Chapter 480 of the Acts of the Year 1902.]

AN ACT TO AUTHORIZE THE CITY OF NEWTON TO LAY MAIN DRAINS AND COMMON SEWERS IN A PART OF BEACON STREET IN THE CITY OF BOSTON AND TO MAKE ASSESSMENTS THEREFOR UPON CERTAIN PROPERTY IN THE CITY OF NEWTON.

Be it enacted, etc., as follows:

SECTION 1. The city of Newton is hereby authorized to construct and maintain common sewers and main drains in Beacon street in the city of Boston, from the Newton line easterly to Reservoir lane, so-called, thence through said Reservoir lane and land of the Boston and Albany Railroad Company to connect with the sewers of the town of Brookline: *provided, however,* that such main drains and common sewers shall be laid in said Beacon street and Reservoir lane only with the consent of, and in a manner

*City of New
ton may lay
main drains,
etc., in a
part of Bea
con street,
Boston, etc.*

Proviso.

approved by, the board or officer to whom the care and control of the territory in which the sewer is laid may for the time be committed.

Damages.

SECTION 2. Any damages occasioned by the taking of land or any right therein under authority hereof shall be ascertained and recovered in the manner provided by law in the case of land or rights therein taken for the laying out of ways in the city of Newton, and any damages which the city of Boston shall be required to pay by reason of said sewers and drains being in said territory, or by reason of any act or neglect of the city of Newton in placing them therein, shall be repaid to the city of Boston by the city of Newton.

**Assessment
of better-
ments, etc.**

SECTION 3. The city of Newton is hereby authorized to lay, assess and collect sewer assessments upon the land in the city of Newton abutting upon said Beacon street, and upon any other land in the city of Newton which is benefited by said sewers, in the same manner in which sewer assessments now are or hereafter may be laid, assessed and collected in that city.

SECTION 4. This act shall take effect upon its passage.
[Approved June 16, 1902.]

[Chapter 488 of the Acts of the Year 1902.]

AN ACT TO PROVIDE FOR SUPPLYING THE TOWN OF WAKEFIELD WITH WATER.

Be it enacted, etc., as follows:

**Town of
Wakefield
may be ad-
mitted into
the metro-
politan water
district, etc.**

SECTION 1. The metropolitan water and sewerage board shall on application admit the town of Wakefield into the metropolitan water district and furnish water to the same on the terms prescribed by chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, subject however to the provisions of sections fourteen and fifteen of this act.

SECTION 14. If within thirty days after this act shall have been accepted by the town of Wakefield, as herein-after provided, the Wakefield Water Company shall notify the selectmen of said town in writing that it desires to sell to said town all its rights to take water from Crystal lake and all other sources for supplying the town of Wakefield and its inhabitants with water, and any or all of its other property situated within said town, and any and all of its property in the town of Stoneham, or so much thereof as is used for supplying water to the town of Wakefield or its inhabitants, and shall file with the town clerk of said town specifications and descriptions of said property, said town shall not proceed to construct a distributing system for the water to be supplied to it and its inhabitants under the authority of this act unless it shall first purchase of said company the property aforesaid which said company has notified the selectmen of said town in writing that it desires to sell as aforesaid; and said company is authorized to make sale of said property to said town and said town is authorized to purchase the same and to manage and use the property thus acquired for the purposes and under the provisions of this act. Whenever said town by a majority vote of its legal voters present and voting thereon at a special meeting called for that purpose, or at the annual town meeting, as provided in section sixteen of this act, shall vote to purchase said property, notice of the desire of said company to sell the same having been given as herein-before provided, said company shall within two years after the vote aforesaid execute and deliver to said town proper deeds and writings conveying to said town the property aforesaid, free and clear from all encumbrances; said property shall thereupon become the property of said town, and said town shall thereupon take possession of said property and operate the same and pay to said company the fair value thereof, to be ascertained as hereinafter provided, and upon said conveyances all rights of said company to

Town may
purchase
property of
Wakefield
Water Com-
pany, etc.

furnish said town and its inhabitants with water shall cease. In case said company fails to perform and observe all the terms set forth in this section, then said town may proceed to construct, operate and maintain a water supply system and furnish itself and its inhabitants with water as hereinbefore provided.

In case of
disagreement
commission-
ers to be
appointed to
determine
value of prop-
erty, etc.

SECTION 15. In case the said town and the said company, after conference thereon, shall be unable to agree upon the value of said property, the supreme judicial court shall, upon application of either party and notice to the other, appoint three commissioners, one of whom shall be learned in the law and one a skilled engineer, who shall determine the fair value of said property for the purposes of its use by said town, and whose award, when accepted by the court, shall be final. Such value shall be estimated without enhancement on account of future earning capacity or good will, or on account of the franchise of said company. Said company shall be entitled to recover interest upon the amount found due by the commissioners, from the date when said company ceases to supply water to said town and its inhabitants, at the rate of five per cent per annum.

Question of
acceptance
to be sub-
mitted to
voters.

SECTION 16. This act, except as provided in section seventeen, shall take effect upon its acceptance by a majority vote of the voters of the town of Wakefield present and voting thereon at the next annual town meeting, or at a special town meeting called for the purpose within two years after its passage; but the number of meetings so specially called shall not exceed three. . . .

When to
take effect.

SECTION 17. So much of this act as authorizes its submission to the legal voters of said town shall take effect upon its passage, but it shall not take further effect until accepted as hereinbefore provided by the legal voters of said town. [*Approved June 19, 1902.*]

[Chapter 535 of the Acts of the Year 1902.]

**AN ACT RELATIVE TO PROTECTING THE PURITY OF WATER
BY THE METROPOLITAN WATER AND SEWERAGE BOARD.**

Be it enacted, etc., as follows:

SECTION 1. The metropolitan water and sewerage board shall not in the case of any manufacturing plant or tannery now in operation upon the watershed of the south branch of the Nashua river above the main dam in Clinton enforce the rules and regulations made by the state board of health under the provisions of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, and acts in amendment thereof and in addition thereto, until said board has constructed works for the removal or purification of manufacturing refuse or polluting liquid incident to or resulting from the processes of such manufacturing plant or tannery: *provided*, that *Proviso.* the owner of such manufacturing plant or tannery consents, without charge therefor, to the construction of suitable works upon his land and within his buildings so far as such works can be constructed thereon or therein. The amount paid for such works shall be considered as a part of the expense of construction of the metropolitan water works, and such works shall be maintained and operated as a part of said water works.

Certain
rules and
regulations
not to be en-
forced until
certain
works are
constructed.

SECTION 2. This act shall take effect upon its passage.
[Approved June 27, 1902.]

[Chapter 112 of the Resolves of the Year 1902.]

RESOLVE RELATIVE TO AN INVESTIGATION OF THE IMPROVEMENT OF SPOT POND BROOK BY THE METROPOLITAN WATER AND SEWERAGE BOARD.

Resolved, That the metropolitan water and sewerage board is hereby authorized and directed to investigate the condition of Spot Pond brook in Stoneham, Melrose and etc.

Condition of
Spot Pond
brook to be
investigated,
etc.

Malden, and to report a plan for such improvements to the brook as will provide for the easy and natural flow to tide water of the water from Doleful pond and surrounding country turned into it by said board. The board shall take into consideration the whole question of the improvement of the brook, shall ascertain what troubles are to be remedied, and by what methods the needed improvements may be effected, and shall give public notice and a hearing to all persons interested. If the board finds that such plan and improvements are feasible and desirable, it shall recommend a plan for apportioning the expense of the improvements between the Commonwealth and towns and cities benefited, and the extent, if any, to which betterments should be imposed upon abutting owners. Said report shall be made to the general court before the fifteenth day of January in the year nineteen hundred and three.

[Approved June 11, 1902.]

[Chapter 161 of the Acts of the Year 1903.]

**AN ACT RELATIVE TO LANDS TAKEN FOR THE PURPOSES OF
WATER SUPPLY.**

Be it enacted, etc., as follows:

R. L. 12,
§ 12,
amended.

SECTION 1. Section twelve of chapter twelve of the Revised Laws is hereby amended by adding at the end thereof the following: — If land within any city or town shall have been taken from such city or town for said purposes, and for any one of the three years prior to the taking shall have been used for any public purpose, and for that reason no taxes shall have been collected thereon, the city or town and the board or officer having charge of the water supply may within six years after the taking agree as to the value of the land upon which the annual payment is to be made as aforesaid from the time of the taking, and if they cannot agree the board or officer shall notify the city or town thereof; and thereupon the value shall be determined by the superior court under the provisions of said

sections seventy-eight and seventy-nine, and said notice shall be deemed to be the notice referred to in said section seventy-eight. The provisions of this section and of the two preceding sections shall apply to property acquired for the purposes of the metropolitan water supply, — so as to read as follows: — *Section 12.* The assessors of a city or town in which land is acquired by another city or town for the purpose of a water supply shall, within one year after such acquisition, determine the said average valuation of such land, and certify the amount so determined to such other city or town. The mayor of a city or the selectmen of a town, within six months after receipt of said certificate, may appeal from such determination to the superior court for the county where the land lies; and said court shall determine such valuation in the manner provided in the two preceding sections, and the provisions of sections seventy-eight and seventy-nine, so far as applicable, shall govern such appeal.

Valuation
of land held
by a city or
town in an
other city or
town for a
water supply.

If land within any city or town shall have been taken from such city or town for said purposes, and for any one of the three years prior to the taking shall have been used for any public purpose, and for that reason no taxes shall have been collected thereon, the city or town and the board or officer having charge of the water supply may within six years after the taking agree as to the value of the land upon which the annual payment is to be made as aforesaid from the time of the taking, and if they cannot agree the board or officer shall notify the city or town thereof; and thereupon the value shall be determined by the superior court under the provisions of said sections seventy-eight and seventy-nine, and said notice shall be deemed to be the notice referred to in said section seventy-eight. The provisions of this section and of the two preceding sections shall apply to property acquired for the purposes of the metropolitan water supply.

Valuation
of certain
land, how
determined.

SECTION 2. This act shall take effect upon its passage.
[Approved March 18, 1903.]

[Chapter 242 of the Acts of the Year 1903.]

**AN ACT TO PROVIDE FOR THE ADDITION OF THE TOWN
OF REVERE TO THE NORTH METROPOLITAN SEWERAGE
SYSTEM.**

Be it enacted, etc., as follows:

Town of Revere added to the north metropolitan sewerage district, etc.

SECTION 1. The territory comprising the town of Revere is hereby added to the north metropolitan sewerage district, created by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine. In becoming a part of the metropolitan system said addition shall be subject to the provisions and shall conform to the requirements of the aforesaid act and of acts in amendment thereof and in addition thereto, except as otherwise provided herein, and the proportionate liability incurred by said addition shall be assumed by the town of Revere. Any authority granted to other municipalities by said act or acts in amendment thereof and in addition thereto is also vested in the town of Revere, in common with said other municipalities.

Outlet to be provided for sewage, etc.

SECTION 2. The metropolitan water and sewerage board shall provide one or more outlets at the Revere town line for the sewage of said town, and, acting on behalf of the Commonwealth, shall construct a main trunk sewer or sewers through such parts of the city of Chelsea as may be necessary, to such point in the north metropolitan system at the corner of Eastern avenue and Marginal street in Chelsea, as said board may determine. The sewer or sewers so to be constructed to enter the town of Revere shall be built at a sufficiently low grade to drain by gravity the sewage from the whole town of Revere.

Metropolitan water and sewerage board to exercise certain authority, etc.

SECTION 3. In providing such outlets and in receiving sewage from the town of Revere, and in any action relating thereto, and for the purpose of taking, constructing and maintaining such additional main lines of sewer, the said metropolitan water and sewerage board, acting

on behalf of the Commonwealth, shall have and exercise all the authority conferred upon them by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine and acts in amendment thereof and in addition thereto, and by chapter one hundred and sixty-eight of the acts of the year nineteen hundred and one; and all the provisions of said acts are hereby made applicable to this additional construction, except as otherwise provided herein.

SECTION 4. To meet the expenses incurred under the provisions of this act the treasurer and receiver general shall, with the approval of the governor and council, issue scrip or certificates of debt, in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding two hundred thousand dollars,¹ for a term not exceeding thirty years. Such scrip or certificates of debt shall be issued as registered bonds or with interest coupons attached, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually on the first days of March and September in each year. Said interest and the scrip or certificates shall be payable and when due shall be paid in gold coin or its equivalent. Such scrip or certificates of debt shall be designated on the face thereof, Metropolitan Sewerage Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth, redeemable at the time specified therein in gold coin or its equivalent, and shall be sold and disposed of at public auction or in such other mode and at such times and prices and in such amounts and at such rate of interest, not exceeding four per cent per annum, as the treasurer and receiver general with the approval of the governor and council shall deem for the best interests of the Commonwealth. Any scrip or certificates of debt issued under the provisions of this act shall be considered as an addition to and shall become

¹ For additional loans see table of Appropriations, Appendix No. 1.

a part of the loan authorized by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, as amended by chapter three hundred and seven of the acts of the year eighteen hundred and ninety-four, and by chapter two hundred and ninety-four of the acts of the year eighteen hundred and ninety-five.

**Payment of
loan, etc.**

SECTION 5. The interest and sinking fund requirements of the moneys expended in constructing that part of the sewerage system provided for in this act, and the cost of maintenance and operation thereof, shall be deemed and paid as a part of the interest, sinking fund requirements and costs specified in section fifteen of said chapter four hundred and thirty-nine, and the sinking fund established under the provisions of said chapters shall be a sinking fund for the extinguishment of the debt authorized by this act, said funds to be increased in the following manner: — The treasurer and receiver general shall from year to year, beginning with the year nineteen hundred and three, apportion to said sinking fund an amount sufficient with its accumulations to extinguish the debt at maturity; and in making the assessment for the increase of said sinking fund upon the several cities and towns liable thereto seven two hundred and fortieths of the whole amount shall be assessed in each of the first seven years, beginning with the year nineteen hundred and three, one thirtieth in each of the next ten years, beginning with the year nineteen hundred and ten, and the remainder shall be distributed equally in the next ten years, beginning with the year nineteen hundred and twenty. Any premium realized from the sale of said scrip or certificates of debt shall be applied to the payment of the interest¹ on said loan as it accrues.

**Town of
Revere to be
included in
determining
proportions
to be assessed.**

SECTION 6. The commissioners to be appointed by the supreme judicial court under the provisions of section fourteen of chapter four hundred and thirty-nine of the

¹ Premiums from sale of bonds to be paid into sinking fund. Acts 1906, chap. 338.

acts of the year eighteen hundred and eighty-nine, for the purposes specified in said section, and any other commissioners thereafter appointed for said purposes, shall include the town of Revere among the cities and towns whose proportions are to be determined as provided in said section.

SECTION 7. The metropolitan water and sewerage board, until the town of Revere has been included in a finding of commissioners appointed by the supreme judicial court, shall each year determine the amount to be paid by said town in that year as its fair share of the interest, sinking fund requirements and cost of maintenance and operation of said north metropolitan sewerage system, and the same shall be certified by the treasurer and receiver general and paid by said town as provided for payments of proportional parts of such interest, sinking fund requirements and costs by the other cities and towns in said district: *provided, however,* that no part of the *proviso.* cost of maintenance shall be assessed upon said town until its sewers are connected with the north metropolitan system as provided herein.

Determination
of amount to
be paid by
town, until
included in
a finding of
commissioners.

SECTION 8. This act shall take effect upon its passage.
[Approved April 16, 1903.]

[Chapter 315 of the Acts of the Year 1903.]

AN ACT TO PROVIDE FOR EXPENSES INCURRED IN THE CONSTRUCTION BY THE METROPOLITAN WATER AND SEWERAGE BOARD OF THE SEWER FOR THE NEPONSET RIVER VALLEY.

Be it enacted, etc., as follows:

SECTION 1. The treasurer and receiver general, in order to meet additional expenses incurred under the provisions of chapter four hundred and six of the acts of the year eighteen hundred and ninety-five, and of acts in amendment thereof and in addition thereto, shall, with

Treasurer
and receiver
general to
issue scrip or
certificates
of debt, etc.

the approval of the governor and council, issue from time to time scrip or certificates of debt in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding four thousand dollars, in addition to the amounts hitherto authorized to be issued under the provisions of said chapter and acts, and the said provisions shall apply to this additional loan.

SECTION 2. This act shall take effect upon its passage.
[Approved May 5, 1903.]

[Chapter 327 of the Acts of the Year 1903.]

AN ACT TO AUTHORIZE THE CITIES OF CAMBRIDGE AND SOMERVILLE AND THE TOWNS OF ARLINGTON AND BELMONT TO IMPROVE THE CONDITION OF ALEWIFE BROOK, LITTLE RIVER AND WELLINGTON BROOK.

Be it enacted, etc., as follows:

Alewife brook,
etc., may be
improved for
drainage
purposes.

SECTION 1. At any time or times within five years after the passage of this act the cities of Cambridge and Somerville and the towns of Arlington and Belmont, acting by the special commission hereinafter constituted may, at their joint expense, for the purpose of surface drainage, widen, fill, clear, grade, deepen, alter the channel of, wall up, cover and otherwise improve, in whole or in part, Alewife brook from its junction with Mystic river to its junction with Little river, and Little river from its junction with Alewife brook to the Arlington line, and Wellington brook from Little river to Wellington street.

Tide-gates
may be
constructed.

SECTION 5. For the purpose of regulating the flow of water in the channels of said brooks and Little river, and of preventing the inflow of tide water from Mystic river into Alewife brook and upon the marshes and meadows along and in the vicinity of said brooks and Little river, said special commission shall, upon such terms and conditions as may mutually be agreed upon by said special

commission and the metropolitan water and sewerage board and the metropolitan park commission, construct suitable tide-gates located near Mystic river upon land now owned by the Commonwealth of Massachusetts, and under the care and control of the metropolitan water and sewerage board and metropolitan park commission. If said special commission cannot agree with said board and said metropolitan park commission upon the terms and conditions aforesaid, the same shall be determined by the state board of health.

SECTION 12. This act shall take effect upon its passage. [*Approved May 7, 1903.*]

[Chapter 236 of the Acts of the Year 1903.]

AN ACT TO PROVIDE AN ADDITIONAL OUTLET FOR THE SEWAGE OF THE TOWN OF BELMONT.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan water and sewerage board is hereby authorized and directed to provide an outlet for the sewage of that part of the town of Belmont, approximately three hundred and thirty acres in area, situated north of Belmont street and adjoining the city of Cambridge on the westerly side of that city, and to construct for that purpose a sewer extending westerly from the existing metropolitan sewer in Mount Auburn street, at Lowell street, through Mount Auburn street to Aberdeen avenue, thence northerly through Aberdeen avenue, and westerly through Dundee street and private lands and under the Watertown branch railroad; thence westerly through Holworthy place and Holworthy street and private lands to Cushing street near Cushing avenue; and thence westerly in Cushing avenue to the Belmont line at Ericson street. The city of Cambridge shall have the right to make and maintain house connections with said

Outlet to be
provided for
sewage of part
of town of
Belmont.

City of
Cambridge
may make

house con-
nections with
sewer, etc.

Proviso.

Metropoli-
tan water and
sewerage
board to
exercise cer-
tain au-
thority, etc.

Treasurer
and receiver
general to
issue scrip or
certificates
of debt, etc.

additional metropolitan sewer and to connect lateral sewers therewith, in the same manner in which connections are made with the present sewers of that city, under the direction of the metropolitan water and sewerage board: *provided, however,* that no drain or sewer used for the conveyance of any rain water shall be connected with said sewer.

SECTION 2. In providing an outlet for the sewage of the aforesaid part of the town of Belmont and in receiving sewage from said area, and in all action relating thereto, and for the purpose of constructing and maintaining the additional metropolitan sewer, the metropolitan water and sewerage board, acting on behalf of the Commonwealth, shall have and exercise all the authority conferred upon said board by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, and by acts in amendment thereof and in addition thereto, regarding the original system or anything relating thereto; and all the provisions of said chapter and acts are hereby made applicable to this additional taking and construction, except as otherwise provided herein.

SECTION 3. The treasurer and receiver general, in order to meet the expenses incurred under this act, shall, with the approval of the governor and council, issue from time to time scrip or certificates of debt in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding fifty thousand dollars,¹ and any scrip or certificates of debt so issued shall be considered as in addition to the amounts authorized under said chapter four hundred and thirty-nine and acts in amendment thereof and in addition thereto, and the provisions of said chapter and acts in relation to the loan so authorized shall apply to this additional loan.

SECTION 4. This act shall take effect upon its passage.
[Approved May 9, 1903.]

¹ For additional loans see table of Appropriations, Appendix No. 1.

[Chapter 356 of the Acts of the Year 1903.]

AN ACT TO PROVIDE FOR EXPENSES INCURRED IN THE CONSTRUCTION BY THE METROPOLITAN WATER AND SEWERAGE BOARD OF THE HIGH-LEVEL GRAVITY SEWER FOR THE RELIEF OF THE CHARLES AND NEPONSET RIVER VALLEYS.

Be it enacted, etc., as follows:

SECTION 1. The treasurer and receiver general of the Commonwealth, in order to meet additional expenses incurred under the provisions of chapter four hundred and twenty-four of the acts of the year eighteen hundred and ninety-nine, shall, with the approval of the governor and council, issue from time to time scrip or certificates of debt in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding nine hundred and ninety-six thousand dollars,¹ in addition to the amount authorized to be issued under the provisions of said chapter; and the provisions of said chapter and of acts in amendment thereof and in addition thereto shall apply to this additional loan.

Treasurer
and receiver
general to
issue scrip or
certificates
of debt, etc.

SECTION 2. This act shall take effect upon its passage.

[Approved May 15, 1903.]

[Chapter 383 of the Acts of the Year 1903.]

AN ACT RELATIVE TO SEPARATE SYSTEMS OF DRAINAGE.

Be it enacted, etc., as follows:

SECTION 1. The owner of every estate abutting on a public way in which a drain, namely, a conduit for surface or storm water and such waters as shall be specified by the state board of health; and a sewer, namely, a conduit for all other waters and for sewage, all such other waters to be considered sewage, shall have been provided

Surface or
storm water,
etc., to be
kept separate
from sewage
in certain
cases.

¹ For additional loans see table of Appropriations, Appendix No. 1.

by a city or town, and the owner of any other estate, using any such drain or sewer, shall make or change the plumbing of his estate so that the waters shall be kept separate from the sewage; and shall, as directed by the officer having charge of the maintenance of sewers in such city or town, make connections for, and conduct, the waters into the drain and the sewage into the sewer.

**Plumbing
of certain
estates to be
so arranged
as to keep
waters sepa-
rate from
sewage, etc.**

SECTION 2. The owner of every estate whose sewage is to be taken into any metropolitan sewer shall hereafter, in plumbing his estate, so arrange the plumbing as to keep the waters separate from the sewage, and shall, as directed by said officer, make connections for, and conduct, the waters into the drain and the sewage into the sewer; but where only one conduit shall have been provided in the street by the city or town, such owner shall, as directed by said officer, construct said connections into the street and connect them with the conduit so provided, and the city or town shall provide the other conduit and all necessary connections with either conduit.

**Branch in-
tercepting
sewers, etc.,
to be con-
structed in
certain cities
and towns.**

SECTION 3. Any city or town ¹ using any metropolitan sewer may, in any year, and shall in any year specified by the officer or board having charge of said sewers, expend one twentieth of one per cent of its taxable valuation, to be met by loan outside the debt limit, in the construction, in connection with said sewers, of branch intercepting sewers, connections of existing sewers with intercepting sewers, branch drains, sewers or drains in any street where one thereof only shall have been built, and the necessary connections aforesaid.

**Enforce-
ment of
provisions.**

SECTION 4. The supreme judicial court and the superior court shall have jurisdiction in equity to enforce the provisions of this act.

SECTION 5. This act shall take effect upon its passage.
[Approved May 26, 1903.]

¹ Amended by Acts 1907, chap. 464.

[Chapter 399 of the Acts of the Year 1903.]

AN ACT TO PROVIDE FOR EXPENSES INCURRED IN THE CONSTRUCTION BY THE METROPOLITAN WATER AND SEWERAGE BOARD OF THE NORTH METROPOLITAN SEWERAGE SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. The treasurer and receiver general of the Commonwealth, in order to meet additional expenses incurred under the provisions of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, and of acts in amendment thereof and in addition thereto, shall, with the approval of the governor and council, issue from time to time scrip or certificates of debt in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding two hundred and fifty thousand dollars,¹ in addition to the amounts hitherto authorized to be issued under the provisions of said chapter and of acts in amendment thereof and in addition thereto, and the provisions of said chapter and of said acts shall apply to this additional loan.

Treasurer
and receiver
general to
issue scrip or
certificates
of debt, etc.

SECTION 2. This act shall take effect upon its passage.

[Approved May 27, 1903.]

[Chapter 443 of the Acts of the Year 1903.]

AN ACT TO AUTHORIZE THE CITY OF MARLBOROUGH TO INCUR INDEBTEDNESS FOR SEWERAGE PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The city of Marlborough, for the purpose of constructing sewers and of extending and improving its system of sewerage and sewage disposal, may incur indebtedness to the amount of twenty-five thousand dollars beyond its debt limit as fixed by law, and in addition to the amount heretofore authorized by law for sewerage

City of Marl-
borough may
issue bonds,
notes or
scrip, etc.

¹ For additional loans see table of Appropriations, Appendix No. 1.

purposes; and may issue bonds, notes or scrip therefor. Such bonds, notes or scrip shall be payable within such periods, not exceeding thirty years from the dates thereof, and shall bear such rate of interest not exceeding four per cent per annum, as the city council shall determine. Except as otherwise provided herein the provisions of chapter twenty-seven of the Revised Laws and of acts in amendment thereof and in addition thereto shall, so far as they may be applicable, apply to the indebtedness hereby authorized, and to the securities issued therefor.

R. L. 27, etc.,
to apply.

Additional
main sewer
to be con-
structed, etc.

Metropoli-
tan water and
sewerage
board to ap-
prove plans.

Payment
of cost.

SECTION 2. The city of Marlborough for the better protection from pollution of the metropolitan water supply, shall, within six months after the passage of this act, construct an additional main sewer in accordance with plans satisfactory to the metropolitan water and sewerage board, from a point near the junction of Maple street and Mill street in said city, to the sewerage disposal area of the city. The Commonwealth shall repay to the said city the reasonable cost of constructing such additional main sewer, and for that purpose the treasurer of the Commonwealth shall, within sixty days after the date of the completion of said sewer, upon the certificate of the metropolitan water and sewerage board, pay to the city of Marlborough said cost of construction from the funds of the Metropolitan Water Loan.

SECTION 3. This act shall take effect upon its passage.
[Approved June 19, 1903.]

[Chapter 41 of the Resolves of the Year 1903.]

RESOLVE TO EXTEND THE TIME WITHIN WHICH THE METROPOLITAN WATER AND SEWERAGE BOARD MAY REPORT CONCERNING THE QUANTITY OF WATER SUPPLIED IN THE METROPOLITAN DISTRICT.

Time for
making a cer-
tain report
extended.

Resolved, That the time within which the metropolitan water and sewerage board is required by chapter three

hundred and ninety-one of the acts of the year nineteen hundred and two to report concerning the quantity of water supplied to cities and towns in the metropolitan water district is hereby extended to the first day of February in the year nineteen hundred and four. [Approved April 8, 1903.]

[Chapter 105 of the Resolves of the Year 1903.]

RESOLVE RELATIVE TO AN INVESTIGATION OF THE IMPROVEMENT OF SPOT POND BROOK BY THE METROPOLITAN WATER AND SEWERAGE BOARD.

Resolved, That the metropolitan water and sewerage board is hereby authorized and requested, in conjunction with the cities of Malden and Melrose, to re-examine the subject of the condition of Spot Pond brook and report to the next general court, not later than the fifteenth day of January in the year nineteen hundred and four, what modifications, if any, can be made in the plan submitted by said board to the general court of the year nineteen hundred and three, with a view to lessening the expense of said improvement, and what limitations shall be made as to the amount of said expense to be assessed on said cities of Malden and Melrose. [Approved June 24, 1903.]

Improvement
of
Spot Pond
brook.

[Chapter 30 of the Acts of the Year 1904.]

AN ACT MAKING AN APPROPRIATION FOR PRINTING AND BINDING THE ANNUAL REPORT OF THE METROPOLITAN WATER AND SEWERAGE BOARD.

Be it enacted, etc., as follows:

SECTION 1. The sum of twenty-five hundred dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for printing and binding the annual report of the metropolitan water and sewerage board, the cost of the same to be assessed

Report of the
metropolitan
water and
sewerage
board.

and collected by the treasurer and receiver general equally upon and from the metropolitan water and metropolitan sewerage districts.

SECTION 2. This act shall take effect upon its passage.
[Approved January 30, 1904.]

[Chapter 186 of the Acts of the Year 1904.]

AN ACT TO EXTEND THE TIME FOR FILING PETITIONS FOR DAMAGES AND OFFERS OF SURRENDER OF REAL ESTATE UNDER THE ACT TO PROVIDE FOR A METROPOLITAN WATER SUPPLY.

Be it enacted, etc., as follows:

1899, 342,
 § 1, etc.,
 amended.

Time within
 which certain
 petitions for
 damages, etc.,
 may be filed
 extended.

SECTION 1. Section one of chapter three hundred and forty-two of the acts of the year eighteen hundred and ninety-nine, as amended by section one of chapter one hundred and eight of the acts of the year nineteen hundred, and by section one of chapter four hundred and ninety-eight of the acts of the year nineteen hundred and one, is hereby further amended by striking out the word "four", in the seventeenth line, and inserting in place thereof the word:— five, — so as to read as follows:—
Section 1. Petitions under the provisions of section fourteen of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, or of section one of chapter four hundred and forty-five of the acts of the year eighteen hundred and ninety-seven, and acts in amendment thereof or in addition thereto, for the determination of damages for the taking of real estate may be filed, as provided by law, within two years after the actual taking by right of eminent domain of such real estate or of any interest therein, and petitions for the determination of damages for the taking of water rights where no land is taken in connection with such water rights, and for the determination of all other damage provided for in

said acts, and offers of surrender of real estate provided for in said acts, may be filed on or before the first day of July in the year nineteen hundred and five.

SECTION 2. This act shall take effect upon its passage.
[Approved March 29, 1904.]

[Chapter 230 of the Acts of the Year 1904.]

AN ACT TO AUTHORIZE THE METROPOLITAN WATER AND SEWERAGE BOARD TO DETERMINE THE LINES AND GRADES OF THE HIGH LEVEL METROPOLITAN SEWER ABOVE THE POINT WHERE THE SEWAGE OF THE CHARLES RIVER VALLEY IS TO BE RECEIVED.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan water and sewerage board is hereby authorized to determine the location, elevation and size of the high level metropolitan sewer above the point where the sewage from the Charles River valley is to be received.

Location,
etc., of
high level
metropolitan
sewer.

SECTION 2. To meet the expenses of determining the said location, as provided in section one, the treasurer and receiver general is authorized to issue scrip or certificates of debt in the name and on behalf of the Commonwealth, and under its seal, to an amount not exceeding seven thousand dollars¹ in addition to the amounts authorized to be issued under the provisions of chapter four hundred and twenty-four of the acts of the year eighteen hundred and ninety-nine, and of chapter three hundred and fifty-six of the acts of the year nineteen hundred and three; and all the provisions of said acts shall apply to this additional loan.

Treasurer
and receiver
general to
issue scrip or
certificates
of debt, etc.

SECTION 3. This act shall take effect upon its passage.
[Approved April 12, 1904.]

¹ For additional loans see table of Appropriations, Appendix No. 1.

[Chapter 246 of the Acts of the Year 1904.]

AN ACT TO PROVIDE FOR EXPENSES INCURRED IN THE CONSTRUCTION OF THE HIGH LEVEL GRAVITY SEWER FOR THE RELIEF OF THE CHARLES AND NEPONSET RIVER VALLEYS.

Be it enacted, etc., as follows:

Treasurer
and receiver
general to
issue scrip or
certificates
of debt, etc.

SECTION 1. The treasurer and receiver general of the Commonwealth, in order to meet additional expenses incurred under the provisions of chapter four hundred and twenty-four of the acts of the year eighteen hundred and ninety-nine, and chapter three hundred and fifty-six of the acts of the year nineteen hundred and three, shall, with the approval of the governor and council, issue from time to time scrip or certificates of debt in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding three hundred and eighty-five thousand dollars,¹ in addition to the amounts authorized to be issued under the provisions of said chapters; and the provisions of said chapters and of acts in amendment thereof and in addition thereto shall apply to this additional loan.

SECTION 2. This act shall take effect upon its passage.
[Approved April 22, 1904.]

[Chapter 273 of the Acts of the Year 1904.]

AN ACT TO AUTHORIZE THE LAYING OF WATER PIPES OR MAINS UNDER OR OVER TIDE WATER.

Be it enacted, etc., as follows:

Certain
water pipes
or mains may
be carried
under or over
tide waters,
etc.

SECTION 1. The metropolitan water and sewerage board, and the water board, water commissioners or superintendent of any city or town in the metropolitan water district, in exercising the powers or discharging the duties conferred or imposed by chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-

¹ For additional loans see table of Appropriations, Appendix No. 1.

five and acts in amendment thereof and in addition thereto, may carry and conduct any aqueduct, conduit, pipe, drain or wire under or over tide waters or the waters of Boston harbor by such methods and in such manner as the board of harbor and land commissioners shall approve.

SECTION 2. This act shall take effect upon its passage.
[Approved April 29, 1904.]

[Chapter 299 of the Acts of the Year 1904.]

AN ACT TO CONFIRM A CERTAIN AGREEMENT BETWEEN THE METROPOLITAN WATER AND SEWERAGE BOARD AND THE CITY OF MARLBOROUGH, RELATIVE TO BUILDING AN ADDITIONAL MAIN SEWER AND FILTER BEDS FOR SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. The agreement signed by the mayor of the city of Marlborough, for that city, and by the metropolitan water and sewerage board, for the Commonwealth, dated October five, nineteen hundred and three, and recorded with Middlesex south district registry of deeds, book 3091, page 101, providing for the construction and maintenance of an additional main sewer and filter beds for the disposal of a part of the sewage of said city, as a substitute for the additional main sewer provided for by chapter four hundred and forty-three of the acts of the year nineteen hundred and three, is hereby ratified and confirmed; and all action taken, all construction work done and all payments made under said agreement in the construction of said additional main sewer and filter beds, are hereby ratified, approved and made valid, as fully as if such additional main sewer had been constructed in accordance with the provisions of said chapter.

Certain
agreement
between city
of Marl-
borough and
metropolitan
water and
sewerage
board con-
firmed.

SECTION 2. This act shall take effect upon its passage.
[Approved May 6, 1904.]

[Chapter 314 of the Acts of the Year 1904.]

**AN ACT TO REGULATE REMOVALS AND SUSPENSIONS FROM
OFFICE AND EMPLOYMENT IN THE CLASSIFIED CIVIL
SERVICE.**

Be it enacted, etc., as follows:

Persons holding office in the public service not to be removed, etc., without cause.

Notice to be given, etc.

SECTION 1. Every person holding office or employment in the public service of the Commonwealth or in any county, city or town thereof, classified under the civil service rules of the Commonwealth, shall hold such office or employment and shall not be removed therefrom, lowered in rank or compensation, or suspended, or, without his consent, transferred from such office or employment to any other except for just cause and for reasons specifically given in writing.

SECTION 2. The person sought to be removed, suspended, lowered or transferred shall be notified of the proposed action and shall be furnished with a copy of the reasons required to be given by section one, and shall, if he so requests in writing, be given a public hearing, and be allowed to answer the charges preferred against him either personally or by counsel. A copy of such reasons, notice and answer and of the order of removal, suspension or transfer shall be made a matter of public record.¹

[Approved May 9, 1904.]

[Chapter 317 of the Acts of the Year 1904.]

AN ACT RELATIVE TO DAMAGES FOR THE TAKING OF PROPERTY BY RIGHT OF EMINENT DOMAIN.

Be it enacted, etc., as follows:

Payment of damages for the taking of property by right of eminent domain, etc.

SECTION 1. In all cases of property, real or personal, taken by right of eminent domain, or subjected to restrictions, limitations or regulations by the Commonwealth, or

¹ Amended by Acts 1905, chap. 243.

by any county, city or town therein, the Commonwealth or such county, city or town may, at any time after such taking, or after the imposition of such restrictions, limitations or regulations, estimate and award to any person, city, town or corporation injured by such taking or by such imposition, the damages recoverable therefor, and may offer in writing to pay to such person, city, town or corporation the amount of such award, with interest¹ thereon, as provided by law, from the date of such taking or such imposition, together with taxable costs if a petition or other proceeding for assessment of such damages is pending. The person, city, town or corporation to whom or to which such offer is made, may reject or accept the same, and acceptance thereof may be either in full satisfaction of all damages so sustained, or as a payment *pro tanto* without prejudice to any right to have said damages assessed by a jury or other competent tribunal. After notice of such offer, made as aforesaid, or payment of the amount thereof, if payment be made, no interest shall be recoverable, except upon such amount in damages as shall, upon final adjudication, be in excess of the amount of said offer: *provided*, that all taxable costs accruing subsequently to *Proviso.* said offer shall be recoverable by the petitioner in all cases.

SECTION 2. This act shall take effect upon its passage.
[Approved May 9, 1904.]

[Chapter 388 of the Acts of the Year 1904.]

**AN ACT RELATIVE TO PRINTING AND BINDING CERTAIN
 PUBLIC DOCUMENTS.**

Be it enacted, etc., as follows:

SECTION 2. Boards, commissions and heads of departments having charge of preparing and printing documents Statistics not to be printed in public

¹ Rate of interest fixed at 5 per cent. Acts 1913, chap. 525.

documents
without
approval of
board of
publication.

relating to their various departments shall not incorporate therein any statistics unless the same shall be approved by the state board of publication.

SECTION 3. This act shall take effect upon its passage.
[Approved May 31, 1904.]

[Chapter 406 of the Acts of the Year 1904.]

**AN ACT TO PROVIDE FOR THE IMPROVEMENT OF SPOT POND
BROOK BY THE METROPOLITAN WATER AND SEWERAGE
BOARD.**

Be it enacted, etc., as follows:

The metro-
politan water
and sewerage
board
to improve
Spot Pond
brook, etc.

May take
lands, eas-
ements, etc.

SECTION 1. The metropolitan water and sewerage board shall improve or change the channel of Spot Pond brook between Spot pond in the town of Stoneham and tide water in the city of Malden substantially in accordance with the plans and recommendations of the board contained in its report to the general court of nineteen hundred and three, being house document number one thousand and eighty-seven of that year.

SECTION 2. The board, for the purpose aforesaid, may from time to time take, in fee or otherwise, by purchase or otherwise, for the Commonwealth or for the city of Malden or for the city of Melrose, as the board shall determine, lands, easements, rights and other property, and, in order to take any property by right of eminent domain, shall sign and cause to be recorded in the registry of deeds for the county and district in which the property to be taken is situated a description thereof as certain as is required in a common conveyance of land; the recording shall constitute the taking.

Damages.

SECTION 3. Any person whose property is injured by the taking, or by changing the channel of said brook, altering its course, or diverting the waters thereof or increasing or diminishing the daily flow of said waters, may have

compensation therefor as determined by agreement with the board, and if the parties cannot agree upon the damages, they may be determined by a jury of the superior court for the county in which the property is situated under the provisions, so far as they may be applicable, of chapter forty-eight of the Revised Laws, upon petition therefor by the board or person filed in the clerk's office of the court within one year after the taking, changing or altering, and the petitioner shall have judgment for the amount determined, with interest on the excess of the amount over the award of the board and costs if the amount is greater than the award of the board; otherwise the petitioner shall recover no interest and shall pay costs.

SECTION 4. Any justice of the supreme judicial court sitting in equity for the county of Suffolk, on application of the metropolitan water and sewerage board or of the city of Malden or of the city of Melrose, within three months after the passage of this act, shall, after such notice as the court shall order, appoint three commissioners, and may appoint a new commissioner on the occurring of any vacancy. The commissioners, after such notice as they shall deem proper, shall hear the parties and make award of the proportion in which the expenses of carrying out this act shall be paid by the metropolitan water district, the city of Malden, and the city of Melrose. The commissioners shall take into consideration in making their award the responsibility of said parties in connection with the present condition of said brook and the waters thereof, their rights in, to and over said brook and the waters thereof, their rights in, to and over said Spot pond, its waters and watershed so far as they relate to said brook, and the benefits which will accrue to said parties from the proposed improvements; and shall make their award on these bases and return it into court with a statement of the questions of law raised by either party and the findings of the commissioners thereon.

Commission-
ers to be
appointed,
powers and
duties.

**Findings
and award,
etc.**

SECTION 5. Any justice of the said court sitting in equity for the county of Suffolk may accept the findings and award, and either party may except thereto; or the justice may report the case with such of said questions of law as either party may request to the supreme judicial court of the Commonwealth. Said court may determine the questions submitted and accept the award, or may amend and accept the award, or may remand the award to the commissioners for further hearing, report and acceptance, in accordance with said determination: *provided, however,* that if the city of Malden by vote of its city council, or the city of Melrose by vote of its city council, or the metropolitan water and sewerage board, shall, within four months after the acceptance of the award, file with the court objection to carrying on the work, it shall not be begun until the objection be withdrawn, but if no such objection be filed, or be filed and withdrawn within one year thereafter, the clerk of the court shall notify the parties thereof, and the work shall thereupon proceed as hereinbefore provided. The metropolitan water and sewerage board shall pay the compensation and expense of the commission as approved by the court, and during and after the completion of the work shall keep the channels, conduits and culverts in repair and pay the expense thereof, and the compensation and expenses so paid shall be assessed and repaid as the expense of construction is to be repaid.

Proviso.

**Payment of
compensation
and expense
of commis-
sion, etc.**

**Metropolitan
Water
Loan.**

SECTION 6. The other expenses incurred in carrying out the provisions of this act shall be paid by the Commonwealth, and the treasurer and receiver general shall, from time to time, on request of the board, issue and sell notes, bonds or scrip of the Commonwealth to an amount not exceeding two hundred and twenty-five thousand dollars, designated on the face thereof, Metropolitan Water Loan, and use the proceeds to meet said expenses and to meet the interest and sinking fund requirements of the loan until the award has been accepted, and the provisions

of chapter four hundred and eighty-eight of the acts of the Certain provisions of law year eighteen hundred and ninety-five and acts in amendment thereof and in addition thereto shall, so far as they may be applicable, apply to said loan.

SECTION 7. The cities of Malden and Melrose shall respectively pay to the treasurer of the Commonwealth each year the interest and sinking fund requirements of such part of the loan aforesaid as shall be equal to the amount of said expenses which the cities respectively are required by the award to pay, and the interest and sinking fund requirements of the remainder of the loan shall be paid by all the cities and towns in the metropolitan water district, as other expenses of the water works are paid. Payment of
loan, etc.

SECTION 8. The commissioners shall, within six months after the completion of the work of construction, if in their opinion any land receives a benefit from the improvement authorized by this act beyond the general benefit to all land in said cities, determine the value thereof, and assess upon the land a proportional share of the cost of such improvement, not exceeding the value of the benefit; and any party so assessed may have the amount of the assessment determined by a jury of the superior court of the county in which the land is situated, under the provisions, so far as they may be applicable, of chapter fifty of the Revised Laws, but without interest or costs, if the assessment is not less than the amount determined by the jury, and the assessment shall constitute a lien upon the land assessed until paid. Every such assessment shall be certified by the clerk of said court to the collector of the city in which the land lies, and collected by him in the manner provided for the collection of taxes, and the proceeds thereof shall be paid to the treasurer of the Commonwealth and used to meet the interest and sinking fund requirements of the loan authorized by this act. Assessment
and collec-
tion of better-
ments.

SECTION 9. Except as otherwise provided herein this act When to take effect. shall take effect upon its passage. [Approved June 3, 1904.]

[Chapter 426 of the Acts of the Year 1904.]

AN ACT RELATIVE TO THE APPORTIONMENT OF THE ANNUAL ASSESSMENTS REQUIRED FOR THE CONSTRUCTION AND MAINTENANCE OF THE METROPOLITAN WATER SYSTEM.

Be it enacted, etc., as follows:

**Apportion-
ment of
annual assess-
ments for
construction and
main-
tenance of the
metropolitan
water system.**

Proviso.

The treasurer and receiver general of the Commonwealth, for the purpose of making the apportionment to the cities and towns in the metropolitan water district of the amount required in each year to pay the interest, sinking fund requirements and expenses of maintenance and operation of the metropolitan water system provided for by section nineteen of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, as amended by chapter four hundred and eighty-nine of the acts of the year nineteen hundred and one, shall, in the year nineteen hundred and six and in each year thereafter, apportion to the city of Boston the proportion of such amount which the valuation of that city for the preceding year bears to the total of all such valuations of all cities and towns in said water district: *provided, however,* that there shall be included only one fifth of the total valuation of every such city and town which has not reached the safe capacity of its present sources of supply in a dry year or of the sources of supply of the water company by which it is supplied, as determined by the metropolitan water and sewerage board and certified to said treasurer, or which has not made application to said board for water; and the remainder to the other cities and towns in said district, one third in proportion to their respective valuations for the preceding year and the remaining two thirds in proportion to the consumption by the cities and towns respectively in the preceding year of water received from all sources of supply as determined by said board and certified to said treasurer, including however only one fifth of the

total valuation and not including any consumption of water for any such city or town which has not reached the safe capacity of its present sources of supply or of the sources of supply of the water company by which it is supplied as aforesaid, or which has not made application to said board for water; and *provided, further,* that any city or town ^{Proviso.} assessed upon its full valuation which obtains a part of its water supply from its own works or receives a supply from a water company shall be allowed and credited in its apportionment with a sum equal to twelve dollars¹ for each million gallons of water furnished as aforesaid, as determined by said board and certified to said treasurer.

The treasurer shall in each year notify each city and town ^{Payment of assessments.} of the amount of its assessment, and the same shall be paid by the city or town into the treasury of the Commonwealth at the time required for the payment and as part of its state tax. [Approved June 4, 1904.]

[Chapter 481 of the Acts of the Year 1904.]

AN ACT RELATIVE TO THE APPROVAL OF CERTAIN OFFICIAL BONDS.

Be it enacted, etc., as follows:

SECTION 1. The official bonds given by persons designated to receipt for advances of money by the metropolitan park commission and the metropolitan water and sewerage board, which have heretofore been approved by the auditor of accounts, shall hereafter be approved by the treasurer and receiver-general. ^{Approval of certain official bonds.}

SECTION 2. This act shall take effect upon its passage.
[Approved June 4, 1904.]

¹ Amount credited changed to \$24. Acts 1913, chap. 422.

[Chapter 436 of the Acts of the Year 1904.]

AN ACT RELATIVE TO COMPENSATION FOR DAMAGES OCCASIONED IN THE TOWN OF BOYLSTON BY THE CONSTRUCTION OF THE METROPOLITAN WATER SYSTEM.

Be it enacted, etc., as follows:

Compensation for damages occasioned in town of Boylston by the construction of the metropolitan water system.

SECTION 1. The owner of any real estate situated in that part of the town of Boylston on the southerly and southeasterly side of the metropolitan water basin known as the Wachusett reservoir, and within the limits of the Nashua river watershed, not taken but directly or indirectly decreased in value by reason of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five and amendments thereof, entitled "An Act to provide for a metropolitan water supply", or by the doings of the metropolitan water board or of the metropolitan water and sewerage board thereunder, shall have the same right to damages for such decrease in value, to be determined and recovered in the same way, as is provided for owners of certain real estate in the town of West Boylston by section fourteen of said chapter: *provided*, that the petition required by said section is filed within two years after the passage of this act; but no owner shall have the right to surrender his real estate to the Commonwealth in the manner provided in said chapter.

SECTION 2. The rules and regulations of the state board of health or of the metropolitan water and sewerage board now or hereafter in force for the sanitary protection of water or sources of water supply shall not constitute an element of damage within the meaning of this act.

SECTION 3. This act shall take effect upon its passage.

[Approved June 8, 1904.]

Certain rules and regulations not to constitute an element of damage.

[Chapter 457 of the Acts of the Year 1904.]

**AN ACT TO AUTHORIZE THE TOWN OF REVERE TO SUPPLY
ITSELF WITH WATER.**

Be it enacted, etc., as follows:

SECTION 1. The town of Revere may supply itself, its inhabitants and such inhabitants of the town of Saugus as are now supplied with water or may hereafter make application to be supplied with water under the provisions of section seven of chapter three hundred and eighty-two of the acts of the year eighteen hundred and eighty-nine, with water for the extinguishment of fires and for domestic and other purposes, obtaining the same from the metropolitan water supply district, as provided in chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five and acts in amendment thereof and in addition thereto, may establish fountains and hydrants and relocate or discontinue the same, and may regulate the use of such water and fix and collect rates to be paid for the use of the same.

Town of Revere may supply itself, its inhabitants and certain inhabitants of Saugus with water.

May obtain water from metropolitan water supply.

May establish hydrants, etc., regulate the use of water, etc.

SECTION 2. Said town for the purposes aforesaid may hold and convey the water to be furnished by the metropolitan water supply district as hereinbefore provided, and may also take, by purchase or otherwise, and hold all lands, rights of way and easements necessary for holding, storing, purifying and preserving such water and for conveying the same to any part of said town; may erect on the lands thus taken or held proper dams, reservoirs, buildings, fixtures or other structures; may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; may construct and lay conduits, pipes and other works, under and over any lands, water courses, railroads, railways or public or private ways, and along any such way in such manner as not unnecessarily to obstruct the same; and for

May hold and convey water furnished by metropolitan water supply district.
May take and hold lands, etc.

the purpose of constructing, maintaining and repairing such conduits, pipes or other works, and for all proper purposes of this act, said town may dig up any such lands, and may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel thereon. The title to all land taken or purchased under the provisions of this act shall vest in said town, and the land so taken may be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interests of said town: *provided*, that nothing in this section shall be construed as authorizing said town to acquire, enter upon or make use of land of the Commonwealth in said town for said purposes, unless the consent of the officers of the Commonwealth having control of such land has first been obtained.

Proviso.

**Land of Commonwealth
not to be used, etc.**

**Payment of
loan, etc.**

**Payment to
metropolitan
water board
included.**

**Powers and
duties.**

**Payment to
metropolitan
water board
to be included
in expense
account.**

SECTION 6. The town shall provide at the time of contracting the loan for such annual proportionate payments thereof as will extinguish the same at maturity, and after the town has passed a vote to that effect the sums required for this purpose and for payment of interest on the loan shall be assessed and collected annually in the same manner in which other taxes are assessed and collected. The town shall also raise annually by taxation a sum which with the income derived from water rates will be sufficient to pay the current annual expenses of operating its water works, including therein any annual payment to said metropolitan water board.

SECTION 10. Said commissioners shall fix such prices or rents for the use of water as shall produce annually as near as may be a net surplus over operating expenses, including therein any annual payment to said metropolitan water board, and interest charges equal to two per cent of the total amount of the bonds, notes or scrip issued under

this act, after paying all current expenses of operating the water works, and interest upon loans, and after payment of all expenses of new construction not exceeding three thousand dollars in any one year after the original construction. The net surplus aforesaid shall be paid into the treasury of the town. Said commissioners shall annually render an account of all their doings, and shall be governed by the provisions of section fifteen of chapter twenty-seven of the Revised Laws and acts in amendment thereof and in addition thereto, except as otherwise provided herein.

SECTION 12. This act shall be submitted to the voters of said town at any annual town meeting or at a special meeting duly called for the purpose, at which the check list shall be used, and it shall take effect upon its acceptance by two thirds of the voters present and voting thereon at any such meeting. If the act is accepted at an annual town meeting, the water commissioners herein provided for may be elected at the same meeting. [Approved June 9, 1904.]

When to
take effect,
etc.

[Chapter 23 of the Resolves of the Year 1904.]

RESOLVE TO PROVIDE FOR THE PAYMENT OF A SUM OF MONEY FROM THE METROPOLITAN SEWERAGE LOAN TO HANNAH M. McCARTHY.

Resolved, That there be allowed and paid out of the Metropolitan Sewerage Loan authorized by section fourteen of chapter four hundred and twenty-four of the acts of the year eighteen hundred and ninety-nine, the sum of seven hundred and fifty dollars, to Hannah M. McCarthy, widow of Patrick D. McCarthy who was killed on the twenty-sixth day of May in the year nineteen hundred and two by an accident in a metropolitan sewer in Roxbury, while in the discharge of his duties as an employee of the metropolitan water and sewerage board. [Approved March 31, 1904.]

Hannah M.
McCarthy.

[Chapter 98 of the Resolves of the Year 1904.]

RESOLVE TO PROVIDE FOR THE APPOINTMENT OF A COMMITTEE TO INVESTIGATE THE LOCAL SEWERAGE SYSTEMS WITHIN THE METROPOLITAN SEWERAGE DISTRICT.

Committee to investigate certain sewerage systems, etc., appointment, etc.

Resolved, That the governor, with the advice and consent of the council, is hereby authorized to appoint a committee of three persons, of whom one shall be a member of the metropolitan park commission, one a member of the Charles River basin commission, and one a member of the board of harbor and land commissioners, and of whom one shall be designated by the governor as chairman. The said committee shall investigate the extent, condition and usefulness of the sewerage systems of the cities and towns within the metropolitan sewerage district, but not now included in the metropolitan sewerage system, and especially shall ascertain whether or not any parts of such local sewerage systems should, in their judgment, be purchased and maintained by the metropolitan water and sewerage board. The members of the committee shall serve without compensation, and shall report to the next general court on or before the fifteenth day of January in the year nineteen hundred and five. [Approved June 3, 1904.]

[Chapter 211 of the Acts of the Year 1905.]

AN ACT TO ESTABLISH A NEW FISCAL YEAR FOR THE COMMONWEALTH.

Be it enacted, etc., as follows:

The fiscal year of the Commonwealth to begin December 1, etc.

SECTION 1. The fiscal year of all offices, departments, boards, commissions, hospitals, asylums, charitable, penal and reformatory institutions of the Commonwealth shall begin with the first day of December and end with the following thirtieth day of November, and all books and

accounts therein shall be kept by fiscal years as herein established, and the annual reports of all officers, trustees, boards and commissions, except the report of the insurance commissioner and except those reports otherwise provided for in this act, shall be made to the governor and council, or to the general court, as now required by law, except that they shall be made on or before the third Wednesday in January, anything in any general or special statute now existing to the contrary notwithstanding. Such reports shall be deposited with the secretary of the Commonwealth, who shall transmit them to the governor and council or to the general court. The financial statements now required by law to be included therein shall be made for the fiscal year as herein established. The annual meetings of trustees of state institutions and of state boards, at which financial statements are required by law to be presented, shall be held in the month of December in each year.

SECTION 14. This act shall take effect on the thirty-first day of December in the year nineteen hundred and five. [Approved March 23, 1905.]

[Chapter 243 of the Acts of the Year 1905.]

**AN ACT RELATIVE TO REMOVALS AND SUSPENSIONS FROM
OFFICE AND EMPLOYMENT IN THE CLASSIFIED CIVIL
SERVICE.**

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter three hundred and fourteen of the acts of the year nineteen hundred and four is hereby amended by adding at the end thereof the words: — *provided, however,* that nothing contained in this act shall be construed to prevent temporary suspension for a period not exceeding thirty days, made without compliance with the provisions of this act and pending further

1904, 814, § 2.
amended.

Notice to be
given to per-
son sought
to be removed,
etc.

Proviso.

action under this act, — so as to read as follows: — *Section 2.* The person sought to be removed, suspended, lowered or transferred shall be notified of the proposed action and shall be furnished with a copy of the reasons required to be given by section one, and shall, if he so requests in writing, be given a public hearing, and be allowed to answer the charges preferred against him either personally or by counsel. A copy of such reasons, notice and answer and of the order of removal, suspension or transfer shall be made a matter of public record: *providing, however,* that nothing contained in this act shall be construed to prevent temporary suspension for a period not exceeding thirty days, made without compliance with the provisions of this act and pending further action under this act.

SECTION 2. This act shall take effect upon its passage.
[Approved March 30, 1905.]

[Chapter 457 of the Acts of the Year 1905.]

AN ACT RELATIVE TO ASSESSMENTS UPON CITIES AND TOWNS IN THE METROPOLITAN WATER, SEWERAGE AND PARK DISTRICTS.

Be it enacted, etc., as follows:

Assessments
upon cities
and towns in
the metropoli-
tan water,
sewerage
and park
districts.

SECTION 1. In case any apportionment for assessment upon the cities and towns of either the metropolitan water, sewerage or park districts shall not have been finally determined by July first of any year, the last apportionment thereof shall remain in force for the purpose of assessment during such current year. Any difference between such apportionment when finally made by the commission, for such year, and the preexisting apportionment above referred to, shall be adjusted with such city or town by the treasurer and receiver general in the assessment of the succeeding year by a deduction therefrom or an addition

thereto, as may be required to give effect to the said apportionment when made as aforesaid.

SECTION 2. This act shall take effect upon its passage.
[Approved May 25, 1905.]

[Chapter 466 of the Acts of the Year 1905.]

AN ACT TO AUTHORIZE THE BOSTON ELEVATED RAILWAY COMPANY TO CONSTRUCT A SUBWAY OR SUBWAYS IN THE CITY OF CAMBRIDGE.

Be it enacted, etc., as follows:

SECTION 10. Upon the written request of the company, the city shall order the temporary or permanent removal or relocation of any surface tracks, conduits, pipes, wires, poles, or other property of the Commonwealth, or of any person or corporation except the city or the company, which the company deems to interfere with the construction or operation of the subway or subways, and the city shall grant new locations for any such structures previously having locations. Such order, to the extent specified therein, shall be deemed a revocation of the right or license to maintain such surface tracks, conduits, wires, pipes, poles or other property, and the owner of any such structures in public ways or lands shall comply with such order without expense to the company. If such owner shall fail to comply with such order within a reasonable time to be fixed therein, the company may remove such surface tracks, conduits, pipes, wires, poles or other property, and may relocate and reconstruct the same, and the cost of such removal, relocation and reconstruction shall be repaid to the company by the owner. No such discontinuance, removal or relocation shall entitle the owner of the property thus affected to any damages on account thereof. The removal and relocation of any property of the Commonwealth shall be subject to the approval of the

Pipes, etc.,
may be
removed.

board having charge thereof, and at the expense of the company. Any gas or electric lighting company may shut off the gas or current from any pipes or wires affected by any action done hereunder, when and so far as may be necessary to avoid the escape or explosion of gas, or to avoid other public danger. Temporary locations shall be granted on request of the company, for any surface tracks owned or operated by it; and, as soon as the state of the work permits the same may be restored to the original locations as nearly as may be.

[Approved May 26, 1905.]

[Chapter 55 of the Resolves of the Year 1905.]

RESOLVE IN FAVOR OF MICHAEL MORGAN.

Payment
to Michael
Morgan.

Resolved, That there be allowed and paid out of the Metropolitan Water Maintenance Fund the sum of six hundred and fifty dollars to Michael Morgan of Natick, an employee of the metropolitan water and sewerage board, on account of the death of his daughter, Mary Morgan, ten years of age, who was drowned on the twenty-seventh day of July in the year nineteen hundred and three, by falling into the Sudbury aqueduct of the metropolitan water works in the town of Natick through a trap door which was negligently left open by employees of the Commonwealth. [Approved April 21, 1905.]

[Chapter 235 of the Acts of the Year 1905.]

AN ACT RELATIVE TO THE ANNUAL REPORTS OF THE METROPOLITAN WATER AND SEWERAGE BOARD.

Be it enacted, etc., as follows:

Reports of
Metropolitan
Water and
Sewerage
Board.

SECTION 1. The metropolitan water and sewerage board shall, on or before the third Wednesday in January in each year, in accordance with the provisions of chapter

two hundred and eleven of the acts of the year nineteen hundred and five, report to the general court an abstract of its receipts, expenditures, disbursements, assets and liabilities for the preceding fiscal year, as required by said act, together with all recommendations for legislation which it deems desirable, and shall in the month of February present a more detailed statement of its doings for the calendar year next preceding, the same to be printed as its annual report for the year.

SECTION 2. This act shall take effect upon its passage.
[Approved April 2, 1906.]

[Chapter 319 of the Acts of the Year 1906.]

AN ACT TO PROVIDE FOR AN EXTENSION OF THE METROPOLITAN SEWER IN THE CITY OF MALDEN.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan water and sewerage board shall extend the metropolitan sewer in Linden avenue, in the city of Malden, from a point near Waverly street, through Linden avenue, Pleasant street and private lands, Jackson street and private lands, to a point in the north metropolitan system about five hundred feet south of Charles street, and shall connect the same by overflow and proper appurtenances with the tidal flow of the Malden river.

The Metropolitan sewer to be extended in Malden.

SECTION 2. For the purpose of constructing and maintaining this addition to the extension of the metropolitan sewers, the metropolitan water and sewerage board shall have and exercise all the authority conferred upon the metropolitan sewerage commissioners and their successors by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine and acts in amendment thereof and in addition thereto, regarding the original system or anything relating thereto, and the provisions of said chapter and of such other acts are hereby

Authority of the Metropolitan Water and Sewerage Board.

made applicable to this additional construction unless herein otherwise provided.

Treasurer
and receiver
general to
issue bonds,
etc.

SECTION 3. To meet the expenses incurred under the provisions of this act for the construction of the sewerage work recommended, the treasurer and receiver general shall, with the approval of the governor and council, issue from time to time bonds, in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding fifty-five thousand dollars.¹ The provisions of section twelve of said chapter four hundred and thirty-nine and of acts in amendment thereof and in addition thereto relative to the indebtedness authorized by and incurred under that chapter, shall, so far as they may be applicable, apply to the indebtedness authorized by this act, in the same manner as if the said provisions had been inserted herein, except that any premiums which may be realized from the sale of said bonds shall be applied in the same manner in which the proceeds of the sale of such bonds, exclusive of the amounts received from premiums, are now applied.

Interest and
sinking fund
requirements.

SECTION 4. The interest and sinking fund requirements on account of the moneys expended in constructing the extension of the metropolitan sewer in Malden provided for in this act, and the cost of maintenance thereof, shall be deemed a part of the interest, sinking fund requirements and costs provided for by section fifteen of said chapter four hundred and thirty-nine, and shall be apportioned, assessed and collected in the manner provided by that chapter and by acts in amendment thereof or in addition thereto.

SECTION 5. This act shall take effect upon its passage.
[Approved April 28, 1906.]

¹ For additional loans see table of Appropriations, Appendix No. 1.

[Chapter 337 of the Acts of the Year 1906.]

AN ACT RELATIVE TO PREMIUMS RECEIVED FROM THE
SALE OF METROPOLITAN WATER LOAN BONDS.

Be it enacted, etc., as follows:

SECTION 1. Premiums received from the sale of bonds issued on account of the Metropolitan Water Loan, under section seventeen of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, and acts in amendment thereof and in addition thereto, shall hereafter be paid into the sinking fund for the extinguishment of the principal indebtedness.

Premiums
from sale of
securities to
be paid into
sinking fund.
Amending
§ 17, ch.
488, 1895.

SECTION 2. This act shall take effect upon its passage.

[Approved April 30, 1906.]

[Chapter 338 of the Acts of the Year 1906.]

AN ACT RELATIVE TO PREMIUMS RECEIVED FROM THE
SALE OF METROPOLITAN SEWERAGE LOAN BONDS.

Be it enacted, etc., as follows:

SECTION 1. Premiums received from the sale of scrip, certificates of debt or bonds, issued on account of the metropolitan sewerage works, shall hereafter be paid into the sinking fund for the extinguishment of the principal indebtedness.

Premiums
from sale of
securities to
be paid into
sinking fund.
Amending
§ 12, ch.
489, 1889.

SECTION 2. This act shall take effect upon its passage.

[Approved April 30, 1906.]

[Chapter 337 of the Acts of the Year 1906.]

AN ACT TO PROVIDE FOR AN ADDITIONAL METROPOLITAN
WATER LOAN.

Be it enacted, etc., as follows:

SECTION 1. The treasurer and receiver general shall Additional
from time to time, upon the request of the metropolitan metropolitan water loan.

water and sewerage board, issue negotiable bonds in the name and behalf of the Commonwealth and under its seal, designated on the face thereof, Metropolitan Water Loan, to an amount not exceeding five hundred thousand dollars in addition to the forty million dollars¹ authorized to be issued under the provisions of section seventeen of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, and of chapter four hundred and fifty-three of the acts of the year nineteen hundred and one; and the provisions of said chapter four hundred and eighty-eight and of acts in amendment thereof and in addition thereto shall apply to this additional loan to the same extent as if the amount authorized by said act had been forty million five hundred thousand dollars instead of twenty-seven million dollars.

SECTION 2. This act shall take effect upon its passage.
[Approved May 8, 1906.]

[Chapter 369 of the Acts of the Year 1906.]

AN ACT TO ESTABLISH THE BASIS FOR DETERMINING THE ANNUAL ASSESSMENTS UPON THE MUNICIPALITIES WITHIN THE METROPOLITAN SEWERAGE DISTRICTS FOR INTEREST AND SINKING FUND REQUIREMENTS AND COST OF MAINTENANCE AND OPERATION.

Be it enacted, etc., as follows:

Proportion
of expense
of the metro-
politan sewer-
age system
to be borne
by cities and
towns, etc.

SECTION 1. The proportions in which each of the cities and towns belonging in whole or in part to the north metropolitan and south metropolitan sewerage districts, respectively, shall annually pay money into the treasury of the Commonwealth to meet the interest and sinking fund requirements for each year, as estimated by the treasurer of the Commonwealth, and to meet any deficiency in the amount previously paid in, as found by said treasurer, shall be based upon the respective taxable valuations of

¹ For additional loans see table of Appropriations, Appendix No. 2.

the property of said cities and towns, as last established by the general court for the purpose of constituting a basis of apportionment for state and county taxes.

SECTION 2. The proportions in which each of the cities and towns belonging in whole or in part to the north metropolitan and south metropolitan sewerage districts, respectively, shall annually pay money into the treasury of the Commonwealth to meet the cost of maintenance and operation of the respective sewerage systems, as estimated by the metropolitan water and sewerage board and certified by the treasurer of the Commonwealth, and to meet any deficiency in the amount previously paid in, as found by said treasurer, shall be based upon the respective populations of said cities and towns as ascertained by the last preceding state or United States census.

Proportion
of payments
to be based
on popula-
tion, etc.

SECTION 3. If less than the whole area of any city or town is included in either of said metropolitan sewerage systems, the valuation and population only of that part of the city or town which is included in either of said systems, as determined by the metropolitan water and sewerage board, shall be used as a basis in determining the proportion and amount which it shall pay as its share of interest and sinking fund requirements and of the cost of maintenance and operation of works.

Proportion
when part of
a city or
town is in-
cluded, etc.

SECTION 4. The metropolitan water and sewerage board shall annually, in accordance with the provisions of the foregoing sections, determine for each system the proportion in which each of the cities and towns belonging in whole or in part to such system, shall annually pay money into the treasury of the Commonwealth to meet the interest and sinking fund requirements and to meet the cost of maintenance and operation of such system, and shall transmit the determinations of the board to the treasurer of the Commonwealth.

The metro-
politan water
and sewerage
board to fix
the propor-
tions, etc.

SECTION 5. The amount of money required each year from every such city or town to meet the interest and

Interest and
sinking fund
requirements.

sinking fund requirements and cost aforesaid for that system in which it is included, and the deficiency, if any, shall be estimated by the treasurer of the Commonwealth in accordance with the proportions as determined aforesaid by the metropolitan water and sewerage board, and shall be included and made a part of the sum charged to such city or town, and shall be paid by the city or town into the treasury of the Commonwealth at the time required for the payment of its proportion of the state tax.

**Not to affect
any decree
of the supreme
judicial
court.**

SECTION 6. This act shall take effect upon its passage, but shall not modify or affect any decree of the supreme judicial court heretofore made. [Approved May 8, 1906.]

[Chapter 404 of the Acts of the Year 1906.]

AN ACT RELATIVE TO THE DISPOSITION OF THE MONEY RECEIVED FROM MUNICIPALITIES FOR ADMISSION TO THE METROPOLITAN WATER DISTRICT.

Be it enacted, etc., as follows:

Sums received to be applied to cost of connecting water pipes, etc.

SECTION 1. All sums of money which shall hereafter be received under section three of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, providing for a metropolitan water supply, for the admission of a city or town into the metropolitan water district, shall be applied to the payment of the cost of connecting such city or town with the pipes and works of the metropolitan water district, and after such cost is paid the balance shall be applied by the treasurer and receiver general to the sinking fund established for the payment of bonds issued on account of the metropolitan water district.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage. [Approved May 21, 1906.]

[Chapter 406 of the Acts of the Year 1906.]

AN ACT TO PROVIDE FOR AN EXTENSION OF THE SOUTH METROPOLITAN SEWER THROUGH THE DISTRICTS OF WEST ROXBURY, BROOKLINE AND BRIGHTON.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan water and sewerage board shall construct, maintain and operate as part of the south metropolitan system of sewage disposal, a sewer extending from the corner of Centre and Perkins streets in Jamaica Plain, through West Roxbury, Brookline and as far as Oak Square in Brighton, substantially as outlined in the fourth annual report of said board, and in part execution of the plan outlined in said report.

The south metropolitan sewerage system to be extended, etc.

SECTION 2. For the purpose of constructing and maintaining this additional sewer, the metropolitan water and sewerage board shall have and exercise all the authority conferred upon the metropolitan sewerage commissioners and their successors by chapter four hundred and twenty-four of the acts of the year eighteen hundred and ninety-nine and acts in amendment thereof and in addition thereto, and all the provisions of said chapter and other acts are hereby made applicable to this additional construction, unless herein otherwise provided.

Certain powers conferred, etc.

SECTION 3. To meet the expenses incurred under the provisions of this act the treasurer and receiver general shall, with the approval of the governor and council, issue from time to time bonds in the name and behalf of the Commonwealth, and under its seal, to an amount not exceeding one million one hundred and seventy-five thousand dollars.¹ The provisions of section fourteen of said chapter four hundred and twenty-four and of all acts in amendment thereof and in addition thereto relative to the indebtedness authorized by and incurred under that chapter shall, so far as they may be applicable, apply to the indebtedness authorized by this act, in the same manner as

Treasurer and receiver general to issue bonds, etc.

Certain provisions of law to apply.

¹ For additional loans see table of Appropriations, Appendix No. 1.

if the said provisions had been inserted herein. Any premium realized on the sale of said bonds shall be paid into the Metropolitan Sewerage Loan Sinking Fund, South System.

**Assessment
and collection
of interest,
etc.**

SECTION 4. The interest and sinking fund requirements on account of the moneys expended in constructing the extension of the south metropolitan sewer provided for in this act, and the cost and maintenance thereof shall be deemed a part of the interest and sinking fund requirements and costs provided for in said chapter four hundred and twenty-four, and shall be apportioned, assessed and collected in the manner provided by that chapter and by acts in amendment thereof and in addition thereto.

SECTION 5. This act shall take effect upon its passage.
[Approved May 21, 1906.]

[Chapter 457 of the Acts of the Year 1906.]

AN ACT RELATIVE TO THE APPORTIONMENT OF THE ANNUAL ASSESSMENTS REQUIRED FOR THE CONSTRUCTION AND MAINTENANCE OF THE METROPOLITAN WATER SYSTEM.

Be it enacted, etc., as follows:

**Apportion-
ment of cost
to cities and
towns in the
metropolitan
water district
to be based
partly on
valuation and
partly on
consumption
of water.**

The treasurer of the Commonwealth, for the purpose of making the apportionment to the cities and towns in the metropolitan water district of the amount required in each year to pay the interest, sinking fund requirements and expenses of maintenance and operation of the metropolitan water system provided for by section nineteen of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, as amended by chapter four hundred and eighty-nine of the acts of the year nineteen hundred and one, shall, in the year nineteen hundred and seven, and in each year thereafter, apportion such amount to the cities and towns in said district, one third in proportion to their respective valuations for the

preceding year and the remaining two thirds in proportion to the consumption by the cities and towns, respectively, in the preceding year, of water received from all sources of supply as determined by the metropolitan water and sewerage board, and certified to said treasurer: *provided*, ^{Provisions.} *however*, that there shall be included in reckoning such proportion only one fifth of the total valuation, and nothing for consumption of water, for any city or town which has not reached the safe capacity of its present sources of supply or of the sources of supply of the water company by which it is supplied, determined as aforesaid, or which has not made application to said board for water; and *provided, further*, that any city or town assessed upon its full valuation which obtains a part of its water supply from its own works or receives a supply from a water company shall be allowed and credited in its apportionment with a sum equal to twelve dollars¹ for each million gallons of water furnished as aforesaid, as determined by said board and certified to said treasurer. The treasurer shall annually notify each city and town of the amount of its assessment, and the same shall be paid by the city or town into the treasury of the Commonwealth at the time required for the payment of and as part of its state tax.

[Approved June 6, 1906.]

[Chapter 498 of the Acts of the Year 1906.]

AN ACT TO MAKE EFFECTIVE THE AWARD OF THE COMMITTEE APPOINTED BY THE GOVERNOR TO DETERMINE THE DAMAGES CAUSED TO THE TOWN OF CLINTON BY THE CONSTRUCTION OF THE METROPOLITAN WATER SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. The treasurer of the Commonwealth shall pay to the town of Clinton as a part of the expense of the

A certain sum
to be paid to
the town of
Clinton on

¹ Amount increased to not less than \$24. Acts 1913, chap. 422.

**account of
construction
of the metro-
politan water
system.**

metropolitan water system, the sum of sixty-four thousand nine hundred and eighty-eight dollars on or before the fifteenth day of November in the year nineteen hundred and six.

Taxation.

SECTION 2. All property held by the metropolitan water and sewerage board, or its successors, in the town of Clinton, outside of the dam and dike, used in the generation or sale of electricity for power or for manufacturing purposes, shall be subject to taxation. The provisions for the assessment and collection of taxes contained in chapters twelve and thirteen of the Revised Laws shall apply to such property.

Repeal.

SECTION 3. All acts and parts of acts inconsistent here-with are hereby repealed.

SECTION 4. This act shall take effect upon its passage.
[Approved June 18, 1906.]

[Chapter 500 of the Acts of the Year 1906.]

**AN ACT TO PROVIDE FOR IMPROVEMENTS AND ADDITIONS
AT CERTAIN STATE INSTITUTIONS.**

Be it enacted, etc., as follows:

**Prisons and
hospitals
loan.**

SECTION 1. To provide funds for the construction or enlargement of certain public institutions hereinafter named, . . .

**Trustees of
the West-
borough
insane hos-
pital.**

SECTION 2. From the aforesaid loan expenditures may be made as follows: —

By the trustees of the Westborough insane hospital, a sum not exceeding forty thousand dollars, for the following purposes: — For constructing and furnishing buildings for tuberculous patients, a sum not exceeding five thousand dollars, and for obtaining and installing a new water supply, a sum not exceeding thirty-five thousand dollars; and the said trustees and the metropolitan water

and sewerage board are authorized to arrange for taking water from the metropolitan aqueduct, so-called, near the said hospital, upon such terms as the said trustees and the said board may establish: *provided, however,* that the rate Proviso. to be charged for the water used therefrom for the said hospital shall not exceed thirty dollars per million gallons.

SECTION 3. This act shall take effect upon its passage.
 [Approved June 20, 1906.]

[Chapter 530 of the Acts of the Year 1906.]

AN ACT TO AUTHORIZE THE METROPOLITAN WATER AND SEWERAGE BOARD TO SELL CERTAIN PROPERTY FOR THE RELOCATION OF A PUBLIC WAY IN THE TOWN OF FRAMINGHAM.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan water and sewerage board may, in its discretion sell, lease or exchange by public or private sale any property of the Commonwealth held and used for water supply purposes, situated in the town of Framingham, southerly of and abutting on or adjacent to the Boston and Worcester turnpike, so-called, whether taken by the Commonwealth by eminent domain or otherwise, if such property is deemed necessary for the alteration, relocation or widening of any public way upon which said property abuts, and is not deemed necessary by said board for public purposes.

Property held by the Commonwealth in the town of Framingham may be sold, etc.

SECTION 2. This act shall take effect upon its passage.
 [Approved June 27, 1906.]

[Chapter 533 of the Acts of the Year 1906.]

**AN ACT TO PROVIDE FOR CERTAIN ANNUAL PAYMENTS TO
THE TOWN OF HOLDEN ON ACCOUNT OF THE CON-
STRUCTION OF THE METROPOLITAN WATER SYSTEM.**

Be it enacted, etc., as follows:

Certain sums
to be paid
annually to
the town of
Holden, etc.

Proviso.

Words "real
estate"
defined.

SECTION 1. The treasurer of the Commonwealth shall pay annually, as a part of the expenses of the metropolitan water system, on or before the thirty-first day of December, to the town of Holden an amount equal to the average assessment made by the assessors of said town for the three years preceding the purchase of said property by the Commonwealth on all real estate taken or acquired and held by the Commonwealth as a part of the metropolitan water system, on the first day of May in each year, such payment to be in place of taxes, and any other payments required by law on such property: *provided*, that, if any buildings standing on land taken or acquired and held by the Commonwealth, as aforesaid, are removed and remain in said town, the value of such buildings, as newly located, shall be deducted by the assessors from the said amount. The words "real estate" as used in this section shall include water rights, and in the case of mills, all machinery therein.

SECTION 2. This act shall take effect upon its passage.

[Approved June 29, 1906.]

[Chapter 536 of the Acts of the Year 1906.]

**AN ACT IN ADDITION TO THE SEVERAL ACTS MAKING AP-
PROPRIATIONS FOR SUNDRY AND MISCELLANEOUS EX-
PENSES AUTHORIZED DURING THE PRESENT YEAR.**

Be it enacted, etc., as follows:

Appropria-
tions.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, except as otherwise pro-

vided herein, for the purposes specified in certain acts and resolves of the present year, and for certain other expenses authorized by law, to wit:—

For the town of Clinton, being an award for damages ^{Town of Clinton.} caused by the construction of the metropolitan water system, as provided for by chapter four hundred and ninety-eight of the acts of the present year, the sum of sixty-four thousand nine hundred and eighty-eight dollars, to be paid out of the Metropolitan Water Maintenance Fund on or before the fifteenth day of November of the present year; said sum to be assessed on the metropolitan water district by the treasurer and receiver general during the present year.

SECTION 2. This act shall take effect upon its passage.
[Approved June 29, 1906.]

[Chapter 165 of the Acts of the Year 1907.]

AN ACT RELATIVE TO ASSESSMENTS FOR THE MAINTENANCE OF THE METROPOLITAN PARK, SEWER AND WATER DISTRICTS.

Be it enacted, etc., as follows:

SECTION 1. Annual appropriations shall be made for the maintenance of parks and boulevards under the charge of the metropolitan park commission, and for the maintenance of the north and south metropolitan systems of sewerage, and for the maintenance of the metropolitan water system under the control of the metropolitan water and sewerage board, and such appropriations shall be apportioned and assessed by the treasurer and receiver general in the manner now provided by law.

SECTION 2. Of the amount so assessed and collected, ^{Balance re-} ^{Annual approp-} ^{to be made for} ^{main-} ^{parks, etc.,} ^{tan water} ^{system and} ^{the metropoli-} ^{tan sewerage} ^{system.}
any balance remaining on the thirtieth day of November

account of
succeeding
year.

in any year shall be carried forward to the next year, and shall be taken into account in making the assessments for that year.

Repeal.

SECTION 3. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 4. This act shall take effect upon its passage.
[Approved March 4, 1907.]

[Chapter 172 of the Acts of the Year 1907.]

AN ACT TO APPROVE THE PURCHASE BY THE UNITED STATES OF AMERICA OF A TRACT OF LAND ON DEER ISLAND, IN BOSTON HARBOR, AND TO CEDE JURISDICTION OVER THE SAME TO THE GENERAL GOVERNMENT.

Be it enacted, etc., as follows:

The United States may acquire a certain tract of land on Deer Island in Boston harbor.

SECTION 1. The consent of the Commonwealth of Massachusetts is hereby granted to the United States of America to the purchase, for fortification purposes, from the city of Boston, of a certain tract of land on Deer Island in Boston harbor, containing a total area of about one hundred acres above mean low water mark; the said tract being marked on the grounds by certain monuments, and being designated on a map entitled "Plan showing land at Deer Island, Boston Harbor, Mass., acquired by the United States under provisions of Act of Congress approved June 25th, 1906", dated United States Engineer Office, Boston, Massachusetts, September twenty-nine, nineteen hundred and six, and signed by Edw. Burr, major, corps of engineers; a copy of said plan with a copy of the deed of conveyance to the United States of the aforesaid land being recorded in Suffolk registry of deeds, book 8177, page 577.

Jurisdiction ceded, including two strips of land

SECTION 2. Jurisdiction over the tract so purchased, including jurisdiction over the two strips of land lying

within the tract described in section one, which were acquired by the Commonwealth of Massachusetts under a taking made by the board of metropolitan sewerage commissioners, dated April 2, 1890, and recorded with Suffolk deeds, book 1928, page 42, the said two strips being the fifth and sixth parcels described in said taking, is hereby ceded to the United States of America: *provided*, and the *Proviso*. Certain rights of the Commonwealth for sewerage system.

cession and consent aforesaid are given upon the express condition that the Commonwealth shall retain concurrent jurisdiction with the United States in and over the lands so purchased, as well as in and over the aforesaid two strips of land lying within the tract described in section one, so far as that all civil processes and such criminal processes as may issue under authority of the Commonwealth against any person or persons charged with crimes committed without the said tract of land, including also the two strips of land aforesaid, may be executed thereon, in the same manner as though this cessation and consent had not been granted.

SECTION 3. The United States government is hereby authorized, upon such terms and conditions as may be prescribed by the harbor and land commissioners, to occupy and fill such flats belonging to the Commonwealth, and to place such structures in or over the tide water adjacent to the area herein authorized to be purchased as may be necessary for the purposes for which said area is to be used. Certain flats may be occupied and filled.

SECTION 4. This act shall be void unless a suitable plan or plans of the premises purchased by the United States under the provisions of this act shall be deposited in the office of the secretary of the Commonwealth within one year after its passage. Plans to be deposited with the secretary of the Commonwealth.

SECTION 5. Nothing contained herein shall abridge or affect the right and title of the Commonwealth in and to the two strips of land included in the tract described in section one, and acquired under the taking aforesaid by the board of metropolitan sewerage commissioners, the said Certain rights of the Commonwealth not abridged.

two strips being the fifth and sixth parcels described in said taking.

SECTION 6. This act shall take effect upon its passage.
[Approved March 6, 1907.]

[Chapter 238 of the Acts of the Year 1907.]

AN ACT RELATIVE TO THE DISPOSITION OF MONEY RECEIVED FOR WATER FURNISHED OUTSIDE OF THE METROPOLITAN DISTRICT BY THE METROPOLITAN WATER AND SEWERAGE BOARD.

Be it enacted, etc., as follows:

*Disposition
of money
received for
water outside
of the metro-
politan dis-
trict, etc.*

SECTION 1. All sums of money which shall be paid into the treasury of the Commonwealth by any city or town not belonging to the metropolitan water district, or by a water company in any such city or town, for water furnished under the provisions of section three of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, and acts in amendment thereof, shall hereafter be applied by the treasurer and receiver general to the sinking fund established for the payment of bonds issued on account of the metropolitan water district.

SECTION 2. This act shall take effect upon its passage.
[Approved March 22, 1907.]

[Chapter 349 of the Acts of the Year 1907.]

AN ACT RELATIVE TO SUPPLYING CERTAIN CITIES AND TOWNS WITH WATER FROM THE METROPOLITAN WATER SYSTEM.

Be it enacted, etc., as follows:

*1895, 488.
§ 8, etc.,
amended.*

SECTION 1. Section three of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, as amended by chapter three hundred and ninety-two of the acts of the year eighteen hundred and

ninety-eight, and by chapter three hundred and forty-nine of the acts of the year eighteen hundred and ninety-nine, is hereby further amended by inserting after the word "and", in the twenty-seventh line, the words: — in case of fire or other emergency, — and by striking out the word "other", in the twenty-eighth line, — so as to read as follows: — *Section 3.* Said board, acting for the Commonwealth, shall construct, maintain and operate a system of metropolitan water works substantially in accordance with the plans and recommendations of the state board of health, contained in their report to the legislature of the year eighteen hundred and ninety-five, and shall provide thereby a sufficient supply of pure water for the following named cities and towns, and the inhabitants thereof, to wit: — The cities of Boston, Chelsea, Everett, Malden, Medford, Newton and Somerville, and the towns of Belmont, Hyde Park, Melrose, Revere, Watertown and Winthrop, which cities and towns shall constitute the Metropolitan Water District; shall secure and protect the purity of said water; shall on application furnish water to any city or town aforesaid that at the time of application owns its water pipe system; shall on application admit any other city or town, any part of which is within ten miles of the state house, into said water district, and furnish water to the same on the terms prescribed by this act for the cities and towns aforesaid, and on such payment of money as said board may determine; shall on application furnish water to any water company owning the water pipe system in any town within said ten miles, on such water company assuming the assessments of the town, if any, and making such payment of money as said board may determine; and in case of fire or other emergency may from time to time furnish water to any city, town or water company, on such payment of money as said board may determine: *provided*, that any such city or town last referred to shall first have acquired the works of any water company therein situated,

To construct,
etc., a sys-
tem of metro-
politan water
works, etc.

Metropolitan
Water
District.

Certain other
cities and
towns may
be admitted.

Water may
be supplied
in case of
emergency.

Proviso.

constructed for the purpose of supplying said city or town or its inhabitants with water. All payments of money aforesaid shall be distributed to the cities and towns in said district in proportion to the total amount of the annual assessments theretofore paid by them respectively. Said board shall furnish said water to the city, town or company, by delivering the same into a main water pipe, reservoir or tank of the city, town or company, under sufficient pressure for use without local pumping, unless delivered in some other manner by mutual agreement between the parties interested; and shall have the direction and control of the connections between the metropolitan and local systems. Said board may utilize the fall of water at any dam under their charge, and may thereby produce power or electricity, and may transmit such power or electricity by pipes, wires or other suitable means, and sell the same, or the right to use such water, by written or other contract, to run for a term not exceeding fifteen years. Any person or corporation authorized by said board shall have all the powers relating to the production, sale and transmission of power and electricity given by this act to said board.

SECTION 2. This act shall take effect upon its passage.
[Approved May 3, 1907.]

[Chapter 458 of the Acts of the Year 1907.]

AN ACT RELATIVE TO THE RETIREMENT OF CERTAIN VETERANS IN THE SERVICE OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

**Retirement
of certain
veterans of
the civil war.**

SECTION 1. A veteran of the civil war in the service of the Commonwealth, if incapacitated for active duty, shall be retired from active service, with the consent of the governor, at one half the rate of compensation paid to him when in active service, to be paid out of the treasury of

the Commonwealth: *provided*, that no veteran shall be ~~Proviso.~~
entitled to be retired under the provisions of this act unless
he shall have been in the service of the Commonwealth at
least ten years. But if, in the opinion of the governor and
council, any veteran of the civil war in said service is in-
capacitated to such a degree as to render his retirement
necessary for the good of the service, he may so be retired
at any time. A veteran retired under the provisions of
this act, whose term of service was for a fixed number of
years, shall be entitled to the benefits of the act without
reappointment.

SECTION 2. This act shall take effect upon its passage.
[Approved May 28, 1907.]

[Chapter 464 of the Acts of the Year 1907.]

AN ACT RELATIVE TO THE CONSTRUCTION OF SEWERS AND
DRAINS BY CERTAIN CITIES AND TOWNS.

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter three hundred and eighty-three of the acts of the year nineteen hundred and three is hereby amended by inserting after the word "town", in the first line, the words: — except the city of Boston, — so as to read as follows: — *Section 3.* Any city or town, except the city of Boston, using any metropolitan sewer may, in any year, and shall in any year specified by the officer or board having charge of said sewers, expend one twentieth of one per cent of its taxable valuation, to be met by loan outside the debt limit, in the construction, in connection with said sewers, of branch intercepting sewers, connections of existing sewers with intercepting sewers, branch drains, sewers, or drains in any street where one thereof only shall have been built, and the necessary connections aforesaid.

1903, 383, § 3,
amended.

Boston ex-
cepted in pro-
vision relative
to expending
certain per
cent of val-
uation for new
sewers, etc.

SECTION 2. This act shall take effect upon its passage.
[Approved May 29, 1907.]

[Chapter 467 of the Acts of the Year 1907.]

**AN ACT TO AUTHORIZE THE STATE BOARD OF HEALTH TO
DELEGATE CERTAIN AUTHORITY TO BOARDS OF HEALTH,
WATER BOARDS AND WATER COMMISSIONERS IN CITIES
AND TOWNS.**

Be it enacted, etc., as follows:

R. L. 75,
§ 113,
amended.

SECTION 1. Section one hundred and thirteen of chapter seventy-five of the Revised Laws is hereby amended by adding thereto the following:— Said board may delegate the granting and withholding of any permit required by such rules or regulations to state boards and commissions and to selectmen in towns and to boards of health, water boards and water commissioners in cities and towns, to be exercised by such selectmen, boards and commissions, subject to such recommendation and direction as shall be given from time to time by the state board of health; and upon complaint of any person interested said board shall investigate the granting or withholding of any such permit and make such orders relative thereto as it may deem necessary for the protection of the public health,— so as to read as follows:— *Section 113.* Said board may cause examinations of such waters to be made to ascertain their purity and fitness for domestic use or their liability to impair the interests of the public or of persons lawfully using them or to imperil the public health. It may make rules and regulations to prevent the pollution and to secure the sanitary protection, of all such waters as are used as sources of water supply. Said board may delegate the granting and withholding of any permit required by such rules or regulations to state boards and commissions and to selectmen in towns and to boards of health, water boards and water commissioners in cities and towns, to be exercised by such selectmen, boards and commissions, subject to such recommendation and direction as shall be given from

State board
of health may
delegate to
state commis-
sions, etc.,
the granting,
etc., of
permits.

time to time by the state board of health; and upon complaint of any person interested said board shall investigate the granting or withholding of any such permit and make such orders relative thereto as it may deem necessary for the protection of the public health.

SECTION 2. This act shall take effect upon its passage.
[Approved May 29, 1907.]

[Chapter 524 of the Acts of the Year 1907.]

AN ACT TO PREVENT WASTE OF WATER IN CITIES AND TOWNS SUPPLIED FROM THE SOURCES OR WORKS OF THE METROPOLITAN WATER DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. All cities, towns, districts or corporations which derive all or any part of their water supply from the metropolitan water works or from sources used by or under the control of the metropolitan water district shall after December thirty-first, nineteen hundred and seven, equip with water meters all water services thereafter installed for them, and shall also annually equip with water meters five per cent of the water services which were unmetered on December thirty-first, nineteen hundred and seven; and shall also thereafter charge each consumer in proportion to the amount of water used: *provided*, that no city, town or district shall, in any one year, contract for more than the number of meters to be installed by it during that year under the provisions of this act; and *provided, also*, that a minimum rate may be fixed for which the consumer shall be entitled to a stated quantity of water.

SECTION 2. The provisions of this act shall not apply to the water service for fire purposes only of any city, town, fire district or individual, nor shall such service be taken into consideration in computing metered water service. All water used for the supply of public buildings

Certain cities
and towns to
equip water
service with
meters, etc.

Provisos.

How provi-
sions of act
shall apply.

or other premises under the control of a city, town or district, and all water used from the public works for the flushing of sewers, watering of streets and all other purposes, except for the extinguishment of fires, may be paid for by the city, town or district.

Care and
maintenance
of meters,
etc.

SECTION 3. Meters shall receive the necessary care and maintenance to secure proper efficiency and shall be tested or replaced by the city, town, district or water company whenever there is reason to believe that the records furnished by them are inaccurate, or whenever the service furnished is in other respects inefficient. Cities, towns, districts and corporations may make rules and regulations relative to the care, maintenance and protection of meters, and for properly ascertaining and recording the amount of water actually used during specified periods by each water consumer. Proceedings for the enforcement of this act shall be instituted and prosecuted by the attorney-general upon complaint of any party in interest.¹

Proceedings
for enforce-
ment.

SECTION 4. This act shall take effect upon its passage.
[Approved June 15, 1907.]

[Chapter 570 of the Acts of the Year 1907.]

**AN ACT RELATIVE TO THE HOURS OF LABOR OF LABORERS,
WORKMEN AND MECHANICS.²**

Be it enacted, etc., as follows:

1906, 517,
§ 1, etc.,
amended.

SECTION 1. Section one of chapter five hundred and seventeen of the acts of the year nineteen hundred and six, as amended by section one of chapter two hundred and sixty-nine of the acts of the year nineteen hundred and seven, is hereby further amended by striking out the word "Saturday", in the thirteenth line, and inserting in place thereof the word: — weekly, — and by adding at the end

¹ Amended by Acts of 1909, chap. 177.

² Superseded, 1909, 514, §§ 37-40, 145; 1911, 494. (See 1907, 269.)

of the section the words: — This section shall not apply to persons employed in any state, county or municipal institution, on the farm, or in the care of the grounds, in the stable, in the domestic or kitchen and dining-room service, or in storerooms and offices, — so as to read as follows: —

Section 1. Eight hours shall constitute a day's work for all laborers, workmen and mechanics now or hereafter employed by or on behalf of the Commonwealth, or of any county therein, or of any city or town which has accepted the provisions of section twenty of chapter one hundred and six of the Revised Laws. No laborer, workman or mechanic so employed shall be requested or required to work more than eight hours in any one calendar day or more than forty-eight hours in any one week except in cases of extraordinary emergency. Only a case of danger to property, to life, to public safety or to public health shall be considered a case of extraordinary emergency within the meaning of this section. Engineers shall be considered mechanics within the meaning of this act. But in cases where a weekly half-holiday is given the hours of labor upon the other working days of the week may be increased sufficiently to make a total of forty-eight hours for the week's work. Threat of loss of employment or threat to obstruct or prevent the obtaining of employment, or threat to refrain from employing in the future shall be considered requiring, within the meaning of this section. This section shall not apply to persons employed in any state, county or municipal institution, on the farm, or in the care of the grounds, in the stable, in the domestic or kitchen and dining-room service, or in storerooms and offices.

Eight hours
to constitute
a day's work
for public
employees,
etc.

SECTION 2. This act shall take effect upon its passage.
[Approved June 28, 1907.]

[Chapter 575 of the Acts of the Year 1907.]

AN ACT TO AUTHORIZE THE METROPOLITAN WATER AND SEWERAGE BOARD TO SELL CERTAIN PROPERTY FOR THE WIDENING OF A RAILROAD IN THE TOWN OF NATICK.

Be it enacted, etc., as follows:

Metropolitan water and sewerage board may sell land in Natick to widen, etc., the railroad location.

SECTION 1. The metropolitan water and sewerage board may, in its discretion sell, by public or private sale, any property of the Commonwealth held and used for water supply purposes, situated in the town of Natick on both sides of and abutting on the Boston and Albany railroad, whether taken by the Commonwealth by eminent domain or otherwise, if such property is deemed necessary for the alteration, relocation or widening of said railroad and is not deemed necessary by said board for other public purposes.

SECTION 2. This act shall take effect upon its passage.
[Approved June 28, 1907.]

[Chapter 577 of the Acts of the Year 1907.]

AN ACT TO PROVIDE FOR ONE DAY'S REST IN SEVEN.

Be it enacted, etc., as follows:

Employees to be allowed one day's rest in seven.

SECTION 1. Except in cases of emergency or except at the request of the employee, it shall not be lawful for any person, partnership, association or corporation to require an employee engaged in any commercial occupation, or in the work of any industrial process, or in the work of transportation or communication, to do on the Lord's day the usual work of his occupation, unless such employee is allowed during the six days next ensuing twenty-four consecutive hours without labor.

Relative to work authorized.

SECTION 2. This act shall not be construed as authorizing any work on the Lord's day not now authorized by law; nor as applying to farm or personal service, to drug-

gists, to watchmen, to superintendents or managers, to janitors, or to persons engaged in the transportation, sale or delivery of milk, food or newspapers.

SECTION 3. Whoever violates the provisions of this act ~~Penalty.~~
shall be punished by a fine of not more than fifty dollars
for each offence.

SECTION 4. This act shall take effect on the first day of ~~October~~ ^{When to take effect.} in the year nineteen hundred and seven. [Approved June 28, 1907.]

[Chapter 456 of the Acts of the Year 1906.]

AN ACT TO AUTHORIZE THE TOWN OF ASHLAND TO SUPPLY
ITSELF AND ITS INHABITANTS WITH WATER.

Be it enacted, etc., as follows:

SECTION 1. The town of Ashland may supply itself and its inhabitants with water for the extinguishment of fires and for domestic, manufacturing and other purposes; may establish fountains and hydrants and relocate or discontinue the same; and may regulate the use of such water and fix and collect rates to be paid therefor.

SECTION 2. Said town, for the purposes aforesaid, may take, or acquire by purchase or otherwise, and hold the waters of any pond or stream or of any ground sources of supply, by means of driven, artesian or other wells within the limits of the town, and the water rights connected with any such water sources, or may purchase water from any individual or corporation; and may avail itself of its existing rights and privileges reserved to it by the provisions of chapter one hundred and seventy-seven of the acts of the year eighteen hundred and seventy-two: *provided,* ^{Town may arrange to take water from metropolitan water system.} *however,* that nothing in this act shall be construed as increasing such rights and privileges, or may make arrangements for obtaining water from the metropolitan water system which shall be satisfactory to the town and

to the metropolitan water and sewerage board, and may also take, or acquire by purchase or otherwise, and hold all lands, rights of way and easements necessary for collecting, storing, holding, purifying and preserving the purity of the water and for conveying the same to any part of said town: *provided*, that there is no infringement upon the existing rights and privileges of the metropolitan water system excepting as allowed for above, and *provided*, that no source of water supply and no lands necessary for preserving the quality of such water, shall be taken or used without first obtaining the advice and approval of the state board of health, . . .

Provisos.

*Act shall
take effect
upon accept-
ance.*

SECTION 10. This act shall take effect upon its acceptance by a majority vote of the legal voters of the town of Ashland present and voting thereon at a legal meeting called for the purpose within three years after its passage; but the number of meetings so called in any one year shall not exceed three; and for the purpose of being submitted to the voters as aforesaid this act shall take effect upon its passage. [Approved April 28, 1908.]

[Chapter 539 of the Acts of the Year 1908.]

AN ACT TO PROVIDE FOR THE BETTER PROTECTION OF THE DOMESTIC WATER SUPPLIES OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

*Police officer
or constable,
or officer of
board, etc., if
duly author-
ized, may
arrest for
bathing.*

SECTION 1. Any police officer or constable of a city or town in which any pond, stream or reservoir used for the purpose of domestic water supply is wholly or partly situated, acting within the limits of his city or town, and any executive officer of a water board, board of water commissioners, public institution or water company, furnishing water for domestic purposes, or agent of such water board, board of water commissioners, public institution or water

company, duly authorized in writing therefor by such boards, institution or company, acting upon the premises of such board, institution or company and not more than five rods from the water, for such supply may, without a warrant, arrest any person found in the act of bathing in a pond, stream or reservoir, the water of which is used for the purpose aforesaid, and detain him in some convenient place until a complaint can be made against him therefor.

SECTION 2. This act shall take effect upon its passage.
[Approved May 26, 1908.]

[Chapter 556 of the Acts of the Year 1908.]

AN ACT TO AUTHORIZE THE METROPOLITAN WATER AND SEWERAGE BOARD TO CONSTRUCT EXTENSIONS AND ADDITIONS AT THE EAST BOSTON AND DEER ISLAND PUMPING STATIONS.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the Metropolitan Sewerage Loan Fund, North System, for the following purposes: — For the East Boston pumping station, to be expended in the years nineteen hundred and eight, nineteen hundred and nine and nineteen hundred and ten, an amount not exceeding two hundred and fifty thousand dollars; for the Deer Island pumping station, to be expended in the years nineteen hundred and eight, nineteen hundred and nine and nineteen hundred and ten, a sum not exceeding one hundred and ninety-five thousand dollars.

Appropriations for extension of East Boston and Deer Island pumping stations.

SECTION 2. For the above purposes the said board may expend any sum heretofore appropriated for the construction of the north metropolitan sewerage system, and to meet the expenses incurred under the provisions of this act and not so provided for the treasurer and receiver

Issue of bonds authorized.

general shall, with the approval of the governor and council, issue from time to time, bonds in the name and behalf of the commonwealth and under its seal, to an amount not exceeding four hundred and thirteen thousand dollars,¹ in addition to the amount of such bonds, heretofore authorized by law. The provisions of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine and of chapter four hundred and twenty-four of the acts of the year eighteen hundred and ninety-eight, and of all acts in amendment thereof and in addition thereto, shall, so far as they may be applicable, apply to the indebtedness authorized by this act. Any premium realized from the sale of said bonds shall be paid into the Metropolitan Sewerage Loans Sinking Fund and placed to the credit of the north metropolitan sewerage system.

SECTION 3. This act shall take effect upon its passage.
[Approved May 29, 1908.]

[Chapter 558 of the Acts of the Year 1908.]

AN ACT TO AUTHORIZE THE METROPOLITAN WATER AND SEWERAGE BOARD TO MAKE CERTAIN IMPROVEMENTS IN THE METROPOLITAN WATER WORKS AND TO PROVIDE FOR THE PAYMENT OF CLAIMS.

Be it enacted, etc., as follows:

Appropriations for construction for certain purposes in metropolitan water district and for settlement of claims.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the Metropolitan Water Loan Fund, for the following purposes: — For a power plant at the Wachusett dam, a sum not exceeding one hundred and fifteen thousand dollars; for concrete walls and tile floor at the gate and power house at the Wachusett dam, a sum not exceeding seven thousand dollars; for a new forty-eight inch main from Chestnut Hill reservoir to the Boston city line, a sum not exceeding one hundred and ninety thousand dollars;

¹ For additional loans see table of Appropriations, Appendix No. 1.

for the completion of the Arlington pumping station and its equipment, a sum not exceeding fourteen thousand five hundred dollars; for the construction of sewers, cesspools and other improvements necessary on the watershed of the Wachusett reservoir, a sum not exceeding five thousand dollars; for settlement of suits now pending in the courts, and for claims and reserves payable upon completed contracts, a sum not exceeding two hundred and sixty thousand dollars.

SECTION 2. For the above purposes the said board may expend any sum heretofore appropriated for the construction of metropolitan water works, and to meet the expenses incurred under the provisions of this act and not so provided for the treasurer and receiver general shall, from time to time, issue upon the request of said board, bonds in the name and behalf of the commonwealth and under its seal, designated on the face thereof, Metropolitan Water Loan, to an amount not exceeding three hundred and ninety-eight thousand dollars¹ in addition to the sum of forty million five hundred thousand dollars authorized to be issued under the provisions of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, chapter four hundred and fifty-three of the acts of the year nineteen hundred and one and chapter three hundred and sixty-seven of the acts of the year nineteen hundred and six, and the provisions of said chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, and of acts in amendment thereto and in addition thereto, shall apply to this additional loan to the same extent as if the amount authorized by said act had been forty million eight hundred and ninety-eight thousand dollars instead of twenty-seven million dollars.

SECTION 3. This act shall take effect upon its passage.
[Approved May 29, 1908.]

Issue of
bonds
authorized.

¹ For additional loans see table of Appropriations, Appendix No. 2.

[Chapter 560 of the Acts of the Year 1908.]

AN ACT TO AUTHORIZE THE ADMISSION OF THE TOWN OF SWAMPSCOTT TO THE METROPOLITAN WATER DISTRICT.

Be it enacted, etc., as follows:

Town of
Swampscott
may be
included in
metropolitan
water district.

SECTION 1. The metropolitan water and sewerage board may, on application, include the town of Swampscott in the metropolitan water district, and may furnish water to the town on the terms prescribed by chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, and by acts in amendment thereof and in addition thereto for the cities and towns included in said district, and on payment of such sum of money as said board may fix.

SECTION 2. This act shall take effect upon its passage.
[Approved May 29, 1908.]

[Chapter 582 of the Acts of the Year 1908.]

AN ACT TO AUTHORIZE THE METROPOLITAN WATER AND SEWERAGE BOARD TO RESTORE THE EAST BOSTON SEWAGE PUMPING STATION AND TO ERECT OTHER BUILDINGS.

Be it enacted, etc., as follows:

Appropriation
for restoring
East Boston
sewerage
pumping
station.

SECTION 1. The sum of forty thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the Metropolitan Sewerage Maintenance Fund, North System, for the restoration of the East Boston sewerage pumping station and its equipment, recently damaged by fire.

Authority to
use money
received from
sale of land.

SECTION 2. The metropolitan water and sewerage board is hereby authorized to use any money received from the sale of land in East Boston to The Standard Oil Company of New York, for the purchase of land and the erection of stable and locker buildings thereon.

SECTION 3. This act shall take effect upon its passage.
[Approved June 4, 1908.]

[Chapter 74 of the Acts of the Year 1909.]

**AN ACT TO EXEMPT THE TOWNS OF HINGHAM AND HULL
FROM CERTAIN PROVISIONS OF LAW RELATIVE TO THE
METROPOLITAN WATER SYSTEM.**

Be it enacted, etc., as follows:

SECTION 1. Section twenty-three of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five is hereby amended by inserting after the word "town", in the first line, the words:—
1895, 488,
§ 28,
amended.
(Hingham
and Hull
exempted.)
 except the towns of Hingham and Hull,—so as to read as follows:— *Section 23.* No city or town, except the towns of Hingham and Hull, any part of which is within ten miles of the state house, or any water company owning a water pipe system in any such city or town shall, except in case of emergency, use, for domestic purposes water from any source not now used by it except as herein provided or as shall be hereafter authorized by the legislature. If any town or towns in said district shall take the franchise, works and property in such town or towns, of any water company, the compensation to be allowed and paid therefor shall not be increased or decreased by reason of the provisions of this act. No town in said water district now supplied with water by a water company owning the water pipe system in such town, shall introduce water from the metropolitan water works until it shall first have acquired the works of such company.

SECTION 2. This act shall be given effect as if the exception were originally a part of said section twenty-three of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, except that it shall not be construed as affecting the provisions of chapter three hundred and thirty-six of the acts of the year eighteen hundred and ninety-seven, so far as the same apply to said towns of Hingham and Hull and shall not be so construed as to affect the rights of any third
Not to affect
certain
rights, etc.

party for damages for any taking made prior to the passage of this act.

SECTION 3. This act shall take effect upon its passage.
[Approved February 18, 1909.]

[Chapter 177 of the Acts of the Year 1908.]

AN ACT RELATIVE TO THE USE AND CARE OF WATER METERS IN THE CITIES AND TOWNS OF THE METROPOLITAN WATER DISTRICT.

Be it enacted, etc., as follows:

1907, 524, § 3,
 amended.

Metropolitan
water and
sewerage
board to
supervise and
enforce pro-
visions of
water meter
act.

(Care and
maintenance
of water
meters, etc.)

SECTION 1. Section three of chapter five hundred and twenty-four of the acts of the year nineteen hundred and seven is hereby amended by striking out the last sentence and inserting in place thereof the following:— It shall be the duty of the metropolitan water and sewerage board to supervise and promote the enforcement of the provisions of this act, and if any city, town, district or corporation violates or neglects in any respect to comply with the provisions hereof, said board shall forthwith give written notice of such violation or neglect, together with the facts relative thereto, to the attorney-general for his action in the premises. The supreme judicial court shall have jurisdiction, upon an information in equity filed by the attorney-general, to enforce all the terms and provisions of this act,— so as to read as follows:— *Section 3.* Meters shall receive the necessary care and maintenance to secure proper efficiency and shall be tested or replaced by the city, town, district or water company whenever there is reason to believe that the records furnished by them are inaccurate, or whenever the service furnished is in other respects inefficient. Cities, towns, districts and corporations may make rules and regulations relative to the care, maintenance and protection of meters, and for properly ascertaining and recording the amount of water

actually used during specified periods by each water consumer. It shall be the duty of the metropolitan water and sewerage board to supervise and promote the enforcement of the provisions of this act, and if any city, town, district or corporation violates or neglects in any respect to comply with the provisions hereof, said board shall forthwith give written notice of such violation or neglect, together with the facts relative thereto, to the attorney-general for his action in the premises. The supreme judicial court shall have jurisdiction, upon an information in equity filed by the attorney-general, to enforce all the terms and provisions of this act.

SECTION 2. Said chapter five hundred and twenty-four is hereby further amended by striking out section four and inserting in place thereof the following:— *Section 4.* If a city, town, district or corporation in any year neglects or refuses to comply with the provisions of section one, it shall forfeit to the commonwealth for the use of the metropolitan water district not less than twenty dollars and not more than one hundred dollars for each day after the expiration of said year during which such violation or neglect continues. The penalties or forfeitures which may be incurred hereunder may be recovered in an action of contract brought in the county of Suffolk in the name of the commonwealth, or may be recovered by an information in equity in the name of the attorney-general at the relation of the metropolitan water and sewerage board, brought in the supreme judicial court for the county of Suffolk.

SECTION 3. Section one of this act shall take effect upon its passage, and section two shall take effect on the first day of January, nineteen hundred and ten. [Approved March 18, 1909.]

1907, 524, § 4.
amended.

Penalties for
refusal to in-
stall water
meters.

When to
take effect.

[Chapter 243 of the Acts of the Year 1909.]

AN ACT RELATIVE TO PAYMENTS IN LIEU OF TAXES ON PROPERTY HELD BY THE COMMONWEALTH FOR WATER SUPPLY PURPOSES.

Be it enacted, etc., as follows:

Provisions of law relative to payment in lieu of taxes to apply to land held for metropolitan water supply.

SECTION 1. All general laws relating to annual payments in lieu of taxes on property held by a city or town in another city or town for water supply purposes shall, so far as they are applicable, apply to the metropolitan water supply and to the lands held by the commonwealth and used by the metropolitan water and sewerage board for such supply in cities and towns other than the towns of Ashland, Boylston, Holden, Hopkinton, Sterling and West Boylston.

SECTION 2. This act shall take effect upon its passage.
[Approved March 31, 1909.]

[Chapter 258 of the Acts of the Year 1909.]

AN ACT TO AUTHORIZE THE METROPOLITAN WATER AND SEWERAGE BOARD TO SUPPLY WATER TO SECTIONS OF CITIES AND TOWNS NOT INCLUDED IN THE METROPOLITAN WATER DISTRICT.

Be it enacted, etc., as follows:

1902, 189, § 1,
 amended.
 (Including
 city or town.)

Metropolitan
 water and
 sewerage
 board may
 furnish water
 under certain
 conditions.

SECTION 1. Section one of chapter one hundred and eighty-nine of the acts of the year nineteen hundred and two is hereby amended by inserting after the word "any", in the second line, the words:—city, town or,—and by inserting after the word "the", in the eighth line, the words:—city, town or,—so as to read as follows:—*Section 1.* The metropolitan water and sewerage board

may from time to time furnish water to any city, town or water company which owns the water pipe system in a section of a city or town, for the supply of such section,

although the city or town, or a part of the city or town, is within ten miles of the state house, and the city or town has not been admitted into the metropolitan water district, on payment by the city, town or water company of such sum of money as the said board may determine: *provided, however,* that the sum so determined in any case *Proviso.* shall in the opinion of the board exceed the proper proportion of the entire assessment which would be imposed upon the city or town were it a part of the metropolitan district.

SECTION 2. This act shall take effect upon its passage.
[Approved April 2, 1909.]

[Chapter 282 of the Acts of the Year 1909.]

**AN ACT TO EXCLUDE DUG POND IN THE TOWN OF NATICK
 FROM THE METROPOLITAN WATER SYSTEM.**

Be it enacted, etc., as follows:

SECTION 1. The metropolitan water and sewerage board may close and terminate the existing connection between Lake Cochituate and Dug pond in the town of Natick, and transfer and release to the town of Natick all interest in and control over the waters of the said pond. Thereafter Dug pond shall not be used as a source of water supply by the metropolitan water district or by any city or town, nor shall it be allowed to overflow into Lake Cochituate or be connected with the water supply of said district or of any city or town; and said pond shall be subject to the control and regulation of the park commissioners of the town of Natick, who are hereby authorized to impose penalties for the violation of any regulations made by them in respect to the said pond.

Dug pond in
 Natick ex-
 cluded from
 the metro-
 politan water
 system.

SECTION 2. This act shall take effect upon its passage.
[Approved April 9, 1909.]

[Chapter 320 of the Acts of the Year 1909.]

**AN ACT TO AUTHORIZE THE METROPOLITAN WATER AND
SEWERAGE BOARD TO MAKE CERTAIN IMPROVEMENTS
IN THE METROPOLITAN WATER SYSTEM.**

Be it enacted, etc., as follows:

Appropriations for construction for certain purposes in metropolitan water district.

Issue of bonds authorized.

SECTION 1. The sum of nine hundred and thirty-nine thousand five hundred dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the Metropolitan Water Loan Fund for the following purposes: — For a sixty inch main from the terminus of the Weston aqueduct to connect with the present mains near Chestnut Hill reservoir; for additional pumping machinery for the high service at the Chestnut Hill pumping station; for the construction of sewers and cesspools and for other improvements necessary for the watershed of the Wachusett reservoir; for a new main for the water supply of the town of Winthrop; and for small extensions of the distribution system.

SECTION 2. For the purposes aforesaid the metropolitan water and sewerage board may, in addition to providing for the improvements for which expenditures are authorized by chapter five hundred and fifty-eight of the acts of the year nineteen hundred and eight, expend any sum heretofore appropriated for the construction of the metropolitan water works. To meet the further expenditures incurred under the provisions of this act, and not so provided for, the treasurer and receiver general shall, from time to time, issue upon the request of said board, bonds in the name and behalf of the commonwealth, to be designated on the face thereof, Metropolitan Water Loan, Act of 1909,¹ to an amount not exceeding nine hundred thousand dollars,² in addition to the sum of forty million eight hundred and ninety-eight thousand dollars author-

¹ Amended by Acts of 1910, chap. 32, by striking out words "Act of 1909."

² For additional loans see table of Appropriations, Appendix No. 2.

ized to be issued under the provisions of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, chapter four hundred and fifty-three of the acts of the year nineteen hundred and one, chapter three hundred and sixty-seven of the acts of the year nineteen hundred and six and chapter five hundred and fifty-eight of the acts of the year nineteen hundred and eight, and the provisions of said chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five and of acts in amendment thereof and in addition thereto shall apply to this additional loan.

SECTION 3. All sums which shall be received from the town of Swampscott for the admission of said town into the metropolitan water district shall be paid into the Metropolitan Water Loan Fund, and may be applied by the metropolitan water and sewerage board to the construction of works made necessary by the admission of said town into the metropolitan water district.

*Application
of funds re-
ceived from
town of
Swampscott
for admission.*

SECTION 4. This act shall take effect upon its passage.
[Approved April 26, 1909.]

[Chapter 473 of the Acts of the Year 1909.]

**AN ACT TO AUTHORIZE THE METROPOLITAN WATER AND
SEWERAGE BOARD TO SELL OR LEASE CERTAIN LAND
FOR THE TRANSMISSION OF ELECTRIC POWER.**

Be it enacted, etc., as follows:

SECTION 1. Section eleven of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five is hereby amended by inserting after the word "needed", in the fourteenth line, the words: — and may, in their discretion, by lease, license or other agreement, permit the construction and maintenance on any land under their control of towers, poles, wires and other structures for the purpose of transmitting electric power over

*1895, 488,
§ 11,
amended.*

(Storing or pumping of water, purchase of property, etc.)

Provisos.

lands and waters of the commonwealth held for water supply purposes: *provided*, that, in the opinion of the board, such lease, license or agreement will not affect or interfere with the metropolitan water supply; and *provided, further*, that no lease, license or agreement shall be given or made for a period of more than fifteen years,— so as to read as follows:— *Section 11.* Said board and any city, town or water company aforesaid, may agree with each other for the storing or pumping of water, or the furnishing of the same as aforesaid by either party to any city, town or company; and any such city, town or company may sell to said board, and said board may purchase any property of such city, town or company, whether taken by eminent domain or otherwise, that said board may deem desirable for use in furnishing, as aforesaid, water to any city, town or water company; and said board may sell at public or private sale any property, real or personal, whether taken by eminent domain or otherwise, no longer needed for the water works under their charge, or may from time to time lease any property not then so needed; and may, in their discretion, by lease, license or other agreement, permit the construction and maintenance on any land under their control of towers, poles, wires and other structures for the purpose of transmitting electric power over lands and waters of the commonwealth held for water supply purposes: *provided*, that, in the opinion of the board, such lease, license or agreement will not affect or interfere with the metropolitan water supply; and *provided, further*, that no lease, license or agreement shall be given or made for a period of more than fifteen years. The proceeds from the operations of said board shall be paid into the treasury of the commonwealth.

SECTION 2. This act shall take effect upon its passage.
[Approved June 4, 1909.]

[Chapter 479 of the Acts of the Year 1909.]

**AN ACT TO AUTHORIZE THE TOWN OF FRAMINGHAM TO
PROCURE AND USE ELECTRICITY FOR CERTAIN MUNICIPAL PURPOSES.**

Be it enacted, etc., as follows:

SECTION 1. The town of Framingham is hereby authorized to erect, maintain and use poles, wires and other fixtures, appliances and apparatus in, under, over and upon any lands, public ways or lanes therein for the transmission of electricity generated by it or purchased from any person, firm or corporation now or hereafter authorized by law to distribute and sell electricity in said town, the same to be used in its water works and sewage disposal pumping stations, and for the purification of its sewage and water supply, but for no other purpose: *provided, however,* that no such poles, wires, fixtures, appliances or apparatus shall be erected or maintained in, under, over or upon any land belonging to the commonwealth or subject to the jurisdiction of the metropolitan water and sewerage board. The authority to generate electricity for the purposes of this act shall only be exercised after the affirmative vote of two thirds of the voters present and voting thereon at each of two town meetings called for the purpose and held at intervals of not less than two nor more than four months. Nothing herein contained shall authorize said town to acquire a plant for the manufacture or distribution of electricity for other municipal uses or for the use of its inhabitants, save upon the proceeding required by and subject to the provisions of chapter thirty-four of the Revised Laws and all amendments thereof now or hereafter enacted. The said town, for the purpose aforesaid, may take, or acquire by purchase or otherwise, and hold such lands, easements and rights of way as may be needed therefor. Such taking shall be in the manner provided by chapter two hundred

Town of
Framingham
may erect
structures
for transmis-
sion of
electricity.

Proviso.
Lands of
common-
wealth
excepted.

and six of the acts of the year eighteen hundred and ninety-three, and the town shall be liable for all damages to property sustained by any person or corporation by reason of any taking or other act made or done under authority hereof.

SECTION 2. This act shall take effect upon its passage.
[Approved June 9, 1909.]

[Chapter 514 of the Acts of the Year 1909.]

AN ACT TO CODIFY THE LAWS RELATING TO LABOR.
Be it enacted, etc., as follows:

Right of
employee in
public work
to select
lodging, etc.
R. L. 106,
§ 18.

SECTION 20. Every employee in public work shall lodge, board and trade where and with whom he elects, and no person or his agents or employees under contract with the commonwealth, a municipal corporation or a county, or with a board, commission or officer acting therefor, for the doing of public work shall, directly or indirectly, require, as a condition of employment therein, that the employee shall lodge, board or trade at a particular place or with a particular person. The provisions of this section shall be made a part of the contract for such employment, and whoever violates the provisions thereof shall be punished by a fine of not more than one hundred dollars for each offence.

Preference to
citizen me-
chanics and
laborers.
R. L. 106,
§ 14.
1904, 811.

SECTION 21. In the employment of mechanics and laborers in the construction of public works by the commonwealth, or by a county, city or town, or by persons contracting therewith, preference shall be given to citizens of the commonwealth, and, if they cannot be obtained in sufficient numbers, then to citizens of the United States; and every contract for such works shall contain a provision to this effect.¹ Any contractor who knowingly and

¹ Amended by Acts of 1914, chap. 474.

wilfully violates the provisions of this section shall be punished by a fine of not more than one hundred dollars for each offence.

SECTION 112. Every manufacturing, mining, or quarrying, mercantile, railroad, street railway, telegraph or telephone corporation, every incorporated express company or water company, and every contractor, person or partnership engaged in any manufacturing business, in any of the building trades, in quarries or mines, upon public works or in the construction or repair of railroads, street railways, roads, bridges or sewers, or of gas, water or electric light works, pipes or lines, shall pay weekly each employee engaged in his or its business the wages earned by him to within six days of the date of said payment, but any employee leaving his or her employment, or being discharged from such employment, shall be paid in full on the following regular pay day; and the commonwealth, its officers, boards and commissions shall so pay every mechanic, workman and laborer who is employed by it or them, and every person employed by it or them in any penal or charitable institution, and every county and city shall so pay every employee who is engaged in its business the wages or salary earned by him, unless such mechanic, workman, laborer or employee requests in writing to be paid in a different manner; and every town shall so pay each employee in its business if so required by him; but an employee who is absent from his regular place of labor at a time fixed for payment shall be paid thereafter on demand. . . . Whoever violates the provisions of this section shall be punished by a fine of not less than ten nor more than fifty dollars.

SECTION 147. This act shall take effect on the first day of October, nineteen hundred and nine. [Approved June 18, 1909.]

Time of taking effect.

[Chapter 56 of the Resolves of the Year 1909.]

RESOLVE IN FAVOR OF MICHAEL NAGLE.

*Michael
Nagle.*

Resolved, That there be allowed and paid out of the North Metropolitan System Maintenance Fund, to Michael Nagle of Boston, the sum of forty-five dollars, in full compensation for loss of clothing, money and personal effects, sustained by him while endeavoring to protect the property of the commonwealth at the time of the Chelsea fire, April twelfth, nineteen hundred and eight. [Approved April 26, 1909.]

[Chapter 57 of the Resolves of the Year 1909.]

RESOLVE IN FAVOR OF PATRICK CROWLEY.

*Patrick
Crowley.*

Resolved, That there be allowed and paid out of the North Metropolitan System Maintenance Fund, to Patrick Crowley of Boston, the sum of one hundred three dollars and fifty cents, in full compensation for loss of clothing, money and articles of personal adornment, sustained by him while endeavoring to protect the property of the commonwealth at the time of the Chelsea fire, April twelfth, nineteen hundred and eight. [Approved April 26, 1909.]

[Chapter 32 of the Acts of the Year 1910.]

**AN ACT RELATIVE TO CERTAIN AUTHORIZED ADDITIONS TO
THE METROPOLITAN WATER LOAN.**

Be it enacted, etc., as follows:

*1909, § 20, § 2.
amended.*

SECTION 1. Section two of chapter three hundred and twenty of the acts of the year nineteen hundred and nine, being "An Act to authorize the metropolitan water and sewerage board to make certain improvements in the metropolitan water system", is hereby amended by striking

out the words and figures "Act of 1909", in the thirteenth line.

SECTION 2. This act shall take effect upon its passage.
[Approved January 31, 1910.]

[Chapter 268 of the Acts of the Year 1910.]

**AN ACT TO PROVIDE FOR THE ANNUAL PREPARATION AND
 PRINTING OF LISTS OF STATE OFFICIALS AND EMPLOY-
 EES WITH THEIR SALARIES OR COMPENSATION.**

Be it enacted, etc., as follows:

SECTION 1. Every department, commission, bureau or board of the commonwealth, shall, on or before the fifteenth day of July in the year nineteen hundred and ten, and on or before the fifteenth day of July in every year thereafter, prepare and furnish to the governor and council lists of all the officials and employees of the commonwealth employed in or by such department, commission, bureau or board on the first day of July preceding, for whose services money has been paid from the treasury of the commonwealth. The said lists shall be arranged by divisions of the several departments, commissions, bureaus or boards, when such divisions exist, and shall give the name, residence, designation, rate of compensation and the date of election or appointment of every such official and employee, and any increase in the rate of salary or compensation for the year preceding; and also the aggregate amount ¹ of all money paid for services or salaries to any official or employee, not otherwise shown upon the list, for the year beginning with the first day of July in the year preceding that in which the list is prepared. It shall be the duty of the auditor of the commonwealth to verify the said lists, the compensation and the said aggregate amounts from the pay roll. The said lists and

Lists of
 officials and
 employees of
 the common-
 wealth to be
 furnished to
 the governor
 and council,
 etc.

Auditor to
 verify lists,
 etc.

¹ Amended by Acts of 1913, chap. 534.

aggregate amounts shall be printed at the expense of the commonwealth as a document of the commonwealth, before the first day of October in the year in which they are furnished, and the said document shall contain the complete data and facts called for by this act.

SECTION 2. This act shall take effect upon its passage.
[Approved March 22, 1910.]

[Chapter 291 of the Acts of the Year 1910.]

AN ACT TO AUTHORIZE THE METROPOLITAN WATER AND SEWERAGE BOARD TO MAKE CERTAIN IMPROVEMENTS IN THE METROPOLITAN WATER SYSTEM.

Be it enacted, etc., as follows:

Appropriations for construction for certain purposes in metropolitan water district.

SECTION 1. The sum of one hundred and five thousand dollars shall be allowed and paid out of the treasury of the commonwealth from the Metropolitan Water Loan Fund for the following purposes: — For a thirty-six inch main for the improvement of the supply of the East Boston district of the city of Boston; and for a new main for the extension of the high-service district in Arlington and Lexington.

Issue of bonds authorized.

SECTION 2. For the purposes aforesaid the metropolitan water and sewerage board may, in addition to providing for the improvements for which expenditures have hitherto been authorized, expend any sum heretofore appropriated for the construction of the metropolitan water works. To meet the further expenditures incurred under the provisions of this act, and not so provided for, the treasurer and receiver general shall, from time to time, issue upon the request of said board, bonds in the name and behalf of the commonwealth, to be designated on the face thereof, Metropolitan Water Loan, to an amount not exceeding eighty thousand dollars,¹ in addition to the sum of forty-one million seven hundred and ninety-eight thou-

¹ For additional loans see table of Appropriations, Appendix No. 2.

sand dollars authorized to be issued by chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five and acts in addition thereto, and the provisions of said chapter four hundred and eighty-eight and acts in amendment thereof and in addition thereto shall apply to this additional loan.

SECTION 3. This act shall take effect upon its passage.
[Approved March 25, 1910.]

[Chapter 358 of the Acts of the Year 1910.]

AN ACT TO AUTHORIZE THE METROPOLITAN WATER AND SEWERAGE BOARD TO ENABLE THE CITY OF QUINCY TO DRAIN ITS TERRITORY INTO THE HIGH-LEVEL SEWER.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan water and sewerage board is hereby authorized to expend from the balance remaining of the Metropolitan Sewerage Loan Fund, South System, such sum as may be required in compliance with section eight of chapter four hundred and twenty-four of the acts of the year eighteen hundred and ninety-nine for the construction of such works as may be necessary in order to enable the city of Quincy to drain by gravity its territory into the high-level sewer.

The city of Quincy may drain its territory into the high-level sewer.

SECTION 2. This act shall take effect upon its passage.
[Approved March 25, 1910.]

[Chapter 359 of the Acts of the Year 1910.]

AN ACT RELATIVE TO APPOINTMENT AND EMPLOYMENT IN THE PUBLIC SERVICE IN VIOLATION OF THE CIVIL SERVICE LAW OR RULES.

Be it enacted, etc., as follows:

Chapter nineteen of the Revised Laws is hereby R. L. 19, amended by striking out section thirty-four and inserting § 84, amended.

Enforce-
ment of
civil service
rules.

Petition
for writ of
mandamus
may be filed,
etc.

in place thereof the following: — *Section 34.* If, in the opinion of the civil service commission, a person is appointed or employed in the public service classified under civil service rules, in violation of the civil service law, or of the said rules, the commission shall, after written notice mailed to the appointing or employing officer or officers, and to such person, notify in writing the treasurer, auditor or other disbursing officer of the commonwealth, city or town, in whose service or by which such person is so employed or paid; and the payment of any salary or compensation to such person shall be illegal and shall cease at the expiration of one week after the mailing of the latter notice, and until the legality of such appointment or employment is duly established. It shall be unlawful for the treasurer, auditor or other disbursing officer of the commonwealth, or of such city or town to draw, sign or issue, or to authorize the drawing, signing or issuing of any warrant, or to make payment of any salary or compensation to the person so found by the civil service commission to be illegally appointed or employed. Any person so found by the civil service commission to be illegally appointed or employed may file a petition for a writ of mandamus in the superior or supreme judicial court to compel the civil service commission to authorize such appointment, or employment, and the payment of compensation or salary therefor. At any time after the filing of such petition the court, if it is of opinion that there is reasonable doubt whether the appointment or employment of such person is in violation of the civil service law or rules, may order that the compensation accruing to such person shall be paid to him until otherwise ordered by said court. [Approved April 8, 1910.]

[Chapter 452 of the Acts of the Year 1910.]

AN ACT RELATIVE TO THE RECOMMENDATIONS FOR LEGISLATION IN THE ANNUAL REPORTS OF STATE BOARDS AND COMMISSIONS.

Be it enacted, etc., as follows:

SECTION 1. Section six of chapter eighteen of the <sup>R. L. 18, § 6.
amended.</sup> Revised Laws is hereby amended by inserting after the word "action", in the sixth line, the words:— such recommendations or suggestions to be accompanied by drafts of bills embodying the legislation recommended, — so as to read as follows:— *Section 6.* State boards and commissions shall annually, on or before the first Wednesday in January, deposit with the secretary of the commonwealth such parts of their annual reports which are required to be made to the governor and council or to the general court as contain recommendations or suggestions for legislative action, such recommendations or suggestions to be accompanied by drafts of bills embodying the legislation recommended; and the secretary shall forthwith transmit them to the governor and council or to the general court.

Recom-
mendations
for legisla-
tion, etc.

SECTION 2. This act shall take effect upon its passage.

[Approved April 27, 1910.]

[Chapter 580 of the Acts of the Year 1910.]

AN ACT RELATIVE TO HEARINGS GIVEN TO VETERANS IN THE PUBLIC SERVICE.

Be it enacted, etc., as follows:

SECTION 1. Section twenty-three of chapter nineteen <sup>R. L. 19,
§ 28, etc.,
amended.</sup> of the Revised Laws, as amended by chapter one hundred and fifty of the acts of the year nineteen hundred and five, is hereby further amended by striking out the said section and inserting in place thereof the following:—

Veterans
not to be re-
moved with-
out a hearing,
etc.

Section 23. No veteran who holds an office or employment in the public service of the commonwealth or of any city or town therein, shall be removed or suspended, or shall, without his consent, be transferred from such office or employment, nor shall his office be abolished, nor shall he be lowered in rank or compensation, except after a full hearing of which he shall have at least seventy-two hours' written notice, with a statement of the reasons for the contemplated removal, suspension, transfer, lowering in rank or compensation, or abolition. The hearing shall be before the state board of conciliation and arbitration, if the veteran is a state employee, and before the selectmen of the town of which he is an employee, if the veteran is a town employee. If the veteran is a city employee the hearing shall be held before the board of aldermen of the city of which the veteran is an employee. In case the city of which the veteran is an employee has not a board of aldermen, the hearing shall be held before the city council of such city. At any hearing where the veteran is a party in interest, he shall have the right to be present and to be represented by counsel. The said removal, suspension or transfer, lowering in rank or compensation, or abolition of an office, shall be made only upon a written order stating fully and specifically the cause or causes therefor, and signed by the state board of conciliation and arbitration, or selectmen, or said members of the city government, as the case may be, after a hearing as aforesaid.

SECTION 2. This act shall take effect upon its passage.

(*The foregoing was laid before the Governor on the third day of May, 1910, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.*)

[Chapter 515 of the Acts of the Year 1910.]

**AN ACT RELATIVE TO THE TAXATION OF PROPERTY HELD
BY THE METROPOLITAN WATER AND SEWERAGE BOARD
IN THE TOWN OF CLINTON AND TO THE SALE OR DIS-
POSAL OF ELECTRICITY BY SAID BOARD.**

Be it enacted, etc., as follows:

SECTION 1. The property held by the metropolitan water and sewerage board, or its successors, in the town of Clinton which may be subject to taxation under the provisions of section two of chapter four hundred and ninety-eight of the acts of the year nineteen hundred and six shall be assessed on a valuation of one hundred and twenty-five thousand dollars in any year in which any power is generated and sold.

Taxation
of property
held by metro-
politan water
and sewerage
board in town
of Clinton.

SECTION 2. In the sale or disposal of electricity generated in the town of Clinton for power or manufacturing purposes under the provisions of section three of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, preference shall be given to persons or corporations proposing to use all of such electricity in the town of Clinton: *provided*, that *Proviso.* there are responsible persons or corporations so proposing to use all the electricity in said town who shall offer to purchase the same on terms as advantageous as shall be offered by others not so proposing to use the same; and the said board shall, at least ten days before making a contract for the sale of such electricity, cause to be printed in some newspaper published in said town a request for proposals for the purchase of the electricity to be generated and sold by said board.

Sale or
disposal of
electricity.

SECTION 3. This act shall take effect upon its passage.

[Approved May 13, 1910.]

[Chapter 546 of the Acts of the Year 1910.]

AN ACT TO PROVIDE FOR THE ADDITION OF THE TOWN OF BRAINTREE TO THE SOUTH METROPOLITAN SEWERAGE SYSTEM.

Be it enacted, etc., as follows:

Town of Braintree added to the south metropolitan sewerage district.

Outlet to be provided at the Braintree town line, etc.

The metropolitan water and sewerage board to exercise certain authority, etc.

SECTION 1. The territory comprising the town of Braintree is hereby added to the south metropolitan sewerage district, created by chapter four hundred and twenty-four of the acts of the year eighteen hundred and ninety-nine. In becoming a part of the said system said town shall be subject to the provisions and shall conform to the requirements of said act and acts in amendment thereof and in addition thereto, except as is otherwise provided herein. Any authority granted to other municipalities by said act or acts in amendment thereof and in addition thereto is also vested in the town of Braintree, in common with such other municipalities.

SECTION 2. The metropolitan water and sewerage board shall provide an outlet at the Braintree town line for the sewerage of said town, and, acting on behalf of the commonwealth, shall construct a main trunk sewer or sewers through such parts of the city of Quincy to such point in the south metropolitan system as said board may determine to be necessary in order to make connection with the high-level sewer.

SECTION 3. In providing for such outlet and in receiving sewage from the town of Braintree, and in any action relating thereto, and for the purpose of taking, constructing and maintaining such additional main lines of sewers, the said metropolitan water and sewerage board, acting on behalf of the commonwealth, shall have and exercise all the authority conferred upon it by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine and by chapter one hundred and sixty-eight of the acts of the year nineteen

hundred and one, and by acts in amendment thereof and in addition thereto; and all the provisions of said acts are made applicable to the additional construction, maintenance and operation hereby authorized except as otherwise provided herein.

SECTION 4. To meet the expenses incurred under the provisions of this act, the treasurer of the commonwealth shall from time to time issue in the name and behalf of the commonwealth and under its seal bonds designated on the face thereof, Metropolitan Sewerage Loan, for a term not exceeding thirty years, to an amount not exceeding one hundred thousand dollars in addition to the amount of such bonds heretofore authorized for the construction of the south metropolitan sewerage works. The provisions of chapter four hundred and twenty-four of the acts of the year eighteen hundred and ninety-nine and all acts in amendment thereof and in addition thereto shall, so far as they are applicable, apply to the indebtedness authorized by this act.

SECTION 5. The interest and sinking fund requirements on account of the moneys expended in constructing that part of the sewerage system provided for in this act, and the cost of maintenance and operation thereof, shall be deemed and paid as a part of the interest, sinking fund requirements and costs specified in said chapter four hundred and twenty-four of the acts of the year eighteen hundred and ninety-nine and acts in amendment thereof and in addition thereto, and shall be apportioned, assessed and collected in the manner provided by that chapter and acts in amendment thereof and in addition thereto except as is otherwise provided herein. The town of Braintree shall, in addition to the yearly payment of the assessment so provided for, pay into the treasury of the commonwealth for the sinking fund of the south metropolitan sewerage district such proportion of the total amount of said sinking fund, as existing on the first day of May in

*Metropolitan
Sewerage
Loan.*

*Certain
provisions
of law to
apply.*

*Payment
of loans,
etc.*

the year of its admission to the south metropolitan district, as the valuation of the said town for the said year shall bear to the total amount of the valuation of said district, as determined for the purposes of apportionment of assessments; and the town shall also pay the further sum of one thousand dollars. Such proportion shall be determined by the metropolitan water and sewerage board and shall be certified by said board to the treasurer of the commonwealth. The treasurer shall determine the total amount so to be paid by said town on account of its admission to the district, and for the payment thereof shall add one fifth of said total amount to the yearly sum payable by said town on account of its share of the interest and sinking fund requirements of the district for the succeeding five years. No assessment on account of maintenance requirements of the south metropolitan sewerage district shall be made upon said town until the calendar year in which its sewers shall be connected with the south metropolitan system as herein provided.

Time of taking effect.

SECTION 6. This act shall take effect when accepted by vote of the majority of the legal voters of the town of Braintree present and voting thereon at a meeting legally called for the purpose. [Approved May 23, 1910.]

[Chapter 550 of the Acts of the Year 1910.]

**AN ACT RELATIVE TO THE POLLUTION OF CERTAIN SOURCES
OF WATER SUPPLY.**

Be it enacted, etc., as follows:

R. L. 75,
§ 128,
amended.

Not to apply
to certain
rivers, etc.

Section one hundred and twenty-three of chapter seventy-five of the Revised Laws is hereby amended by striking out the said section and inserting in place thereof the following: — *Section 128.* The provisions of the preceding eleven sections shall not apply to the Connecticut river. The provisions of the preceding five sections and of so much of sections one hundred and twelve to one hun-

dred and seventeen, inclusive, as refers to domestic water supplies shall not apply to the Merrimac river, nor to so much of the Concord river as lies within the limits of the city of Lowell, nor to springs, streams, ponds or water courses over which the metropolitan water and sewerage board has control. [Approved May 23, 1910.]

[Chapter 5 of the Acts of the Year 1911.]

AN ACT RELATIVE TO THE ISSUING OF METROPOLITAN WATER LOAN BONDS.

Be it enacted, etc., as follows:

SECTION 1. All bonds hereafter issued under authority of section seventeen of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, or of acts in amendment thereof or in addition thereto, may be issued as registered bonds or with interest coupons attached. Metropolitan
water loan
bonds.

SECTION 2. All acts and parts of acts inconsistent here-
with are hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.
[Approved January 19, 1911.]

[Chapter 21 of the Acts of the Year 1911.]

AN ACT TO AUTHORIZE THE METROPOLITAN WATER AND SEWERAGE BOARD TO USE CERTAIN FUNDS FOR EXTENDING THE SOUTH METROPOLITAN SEWER TO THE TOWN OF BRAINTREE.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan water and sewerage board is hereby authorized to expend any balance of the proceeds of the bonds already issued on account of the Metropolitan Sewerage Loan Fund, which may be in excess of the amount required for satisfying the purposes for Board au-
thorized to
use funds for
extension of
the South
Metropolitan
sewer to the
town of
Braintree.

which such bonds were issued, to meet any expenses which may be incurred under the provisions of chapter five hundred and forty-six of the acts of the year nineteen hundred and ten to provide for the addition of the town of Braintree to the south metropolitan sewerage district.

SECTION 2. This act shall take effect upon its passage.
[Approved February 9, 1911.]

[Chapter 291 of the Acts of the Year 1911.]

**AN ACT TO PROVIDE FOR THE PROTECTION OF THE PUBLIC
 HEALTH IN THE VICINITY OF THE TOWNS OF WIN-
 CHESTER AND STONEHAM AND THE CITY OF WOBURN.**

Be it enacted, etc., as follows:

State board
 of health
 authorized
 to prohibit
 entrance of
 sewage into
 Aberjona
 river.

Board of
 health to
 consult with
 owner of
 factories, etc.

Jurisdiction
 of court.

Penalty for
 permitting
 entrance of

SECTION 1. The state board of health is hereby authorized and directed to prohibit the entrance or discharge of sewage into any part of Aberjona river, or its tributaries, and to prevent the entrance or discharge therein of any other substance which might be injurious to public health or might tend to create a public nuisance.

SECTION 2. The board shall consult and advise with the owner of any factory or other establishment situated on or near the said river or any of its tributaries, at his request or of its own motion, as to the best practicable and reasonably available means of rendering the waste or refuse therefrom harmless.

SECTION 3. The supreme judicial court or any justice thereof, and the superior court or any justice thereof, shall have jurisdiction in equity to enforce the provisions of this act, and any order made by the state board of health in conformity therewith. Proceedings to enforce any such order shall be instituted and prosecuted by the attorney-general upon the request of the state board of health.

SECTION 4. Whoever permits the entrance or discharge into any part of Aberjona river, or its tributaries, of sew-

age or of any other substance injurious to public health <sup>sewage, etc.,
into Aber-
jona river.</sup> or tending to create a public nuisance shall be punished by a fine not exceeding five hundred dollars for each offence.

SECTION 5. This act shall take effect on the first day of <sup>Time of
taking effect.</sup> July in the year nineteen hundred and eleven. [Approved April 14, 1911.]

[Chapter 464 of the Acts of the Year 1911.]

AN ACT TO AUTHORIZE THE METROPOLITAN WATER AND SEWERAGE BOARD TO EXTEND THE SOUTHERN HIGH SERVICE WATER SYSTEM TO THE TOWN OF HYDE PARK.

Be it enacted, etc., as follows:

SECTION 1. The sum of two hundred and twelve thousand dollars shall be allowed and paid out of the treasury of the commonwealth from the Metropolitan Water Loan Fund for the extension of the southern high service of the metropolitan water works for the supply of water to the town of Hyde Park.

Appropriation
for extending
the metro-
politan water
works to the
town of
Hyde Park.

SECTION 2. For the purposes aforesaid the metropolitan water and sewerage board may, in addition to providing for the improvements for which expenditures have hitherto been authorized, expend any sum heretofore appropriated for the construction of the metropolitan water works. To meet the further expenditures incurred under the provisions of this act, and not so provided for, the treasurer and receiver general shall, from time to time, issue upon the request of said board, bonds in the name and behalf of the commonwealth, to be designated on the face thereof, Metropolitan Water Loan, to an amount not exceeding two hundred and twelve thousand dollars,¹ in addition to the sum of forty-one million eight hundred and seventy-eight thousand dollars authorized to be issued by chapter four hundred and eighty-eight of the acts of the

Metropolitan
water loan.

¹ For additional loans see table of Appropriations, Appendix No. 2.

year eighteen hundred and ninety-five and acts in amendment thereof and in addition thereto, and the provisions of said chapter four hundred and eighty-eight and of acts in amendment thereof and in addition thereto shall apply to this additional loan.

SECTION 3. This act shall take effect upon its passage.
[Approved May 18, 1911.]

[Chapter 484 of the Acts of the Year 1911.]

**AN ACT TO CONSTITUTE EIGHT HOURS A DAY'S WORK FOR
 PUBLIC EMPLOYEES.**

Be it enacted, etc., as follows:

**Eight hours
 to constitute
 a day's work
 for public
 employees.**

SECTION 1. The service of all laborers, workmen and mechanics, now or hereafter employed by the commonwealth or by any county therein or by any city or town which has accepted the provisions of section twenty of chapter one hundred and six of the Revised Laws, or of section forty-two of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine, or by any contractor or sub-contractor for or upon any public works of the commonwealth or of any county therein or of any such city or town, is hereby restricted to eight hours in any one calendar day, and it shall be unlawful for any officer of the commonwealth or of any county therein, or of any such city or town, or for any such contractor or sub-contractor or other person whose duty it shall be to employ, direct or control the service of such laborers, workmen or mechanics to require or permit any such laborer, workman or mechanic to work more than eight hours in any one calendar day, except in cases of extraordinary emergency. Danger to property, life, public safety or public health only shall be considered cases of extraordinary emergency within the meaning of this section. In cases where a Saturday half holiday is given the hours of labor upon the other working days of the week may be increased suffi-

ciently to make a total of forty-eight hours for the week's work. Threat of loss of employment or to obstruct or prevent the obtaining of employment or to refrain from employing in the future, shall each be considered to be "requiring" within the meaning of this section. Engineers shall be regarded as mechanics within the meaning of this act.

SECTION 2. Every contract, excluding contracts for the purchase of material or supplies, to which the commonwealth or any county therein or any city or town which has accepted the provisions of section twenty of chapter one hundred and six of the Revised Laws, is a party which may involve the employment of laborers, workmen or mechanics shall contain a stipulation that no laborer, workman or mechanic working within this commonwealth, in the employ of the contractor, sub-contractor or other person doing or contracting to do the whole or a part of the work contemplated by the contractor shall be requested or required to work more than eight hours in any one calendar day, and every such contract which does not contain this stipulation shall be null and void.

SECTION 3. Any agent or official of the commonwealth or of any county therein or of any city or town or any contractor or sub-contractor or any agent or person acting on behalf of any contractor or sub-contractor who violates any provision of this act shall be punished by a fine not exceeding one thousand dollars or by imprisonment for six months or both such fine and imprisonment for each offence.

SECTION 4. This act shall not apply to the preparation, printing, shipment and delivery of ballots to be used at a caucus, primary, state, city or town election, nor during the sessions of the general court to persons employed in legislative printing or binding; nor shall it apply at any time to persons employed in any state, county or municipal institution, on a farm, or in the care of the

Not to apply
in certain
cases.

grounds, in the stable, in the domestic or kitchen and dining-room service or in store rooms or offices.

Repeal

SECTION 5. All acts and parts of acts inconsistent here-with are hereby repealed. [Approved May 27, 1911.]

[Chapter 512 of the Acts of the Year 1911.]

AN ACT TO PROVIDE FOR AN OUTLET FOR THE SEWAGE OF THE CITIES OF EVERETT AND MALDEN INTO THE NORTH METROPOLITAN SEWERAGE SYSTEM.

Be it enacted, etc., as follows:

Additional outlet for the sewage of Malden and Everett to be provided.

SECTION 1. The metropolitan water and sewerage board may, in order to provide an additional outlet for the sewage of the cities of Malden and Everett, acting in behalf of the commonwealth, take, or acquire by purchase or otherwise, the existing sewer belonging to the city of Malden from a point at or near the corner of Eastern avenue and Bryant street in said city and running north-erly through Eastern avenue to a point at or near the middle of Broadway; and the said board is hereby authorized to pay to the city of Malden the actual cost of the construction of the portion of the sewer so taken. The said portion of the sewer when so taken shall become a part of the north metropolitan system of sewers. Upon acquiring the portion of the sewer in Eastern avenue as aforesaid the said board shall proceed to construct a sewer extending from said sewer through Broadway to a point at or near the boundary line between the cities of Malden and Everett, and the sewer so constructed shall become a part of the north metropolitan system. The city of Everett may, under the direction of said board, connect its local system of sewers with the said metropolitan sewer in Broadway. The city of Malden may, under the direction of said board, connect its local system of sewers with the said metropolitan sewers in Broadway and Eastern avenue

and may also, subject to such direction, make and maintain house connections with the said sewer. The city of Malden is hereby authorized and empowered to make, levy and collect for its own benefit assessments of annual rates, or sums in lieu thereof, for said sewers in Broadway and Eastern avenue in the same manner in which sewer assessments are now made, levied and collected for its local sewers.

SECTION 2. For the purpose of taking and constructing said metropolitan sewers in Eastern avenue and Broadway and for the operation and maintenance thereof, the said board, acting in behalf of the commonwealth, shall have and exercise all the authority conferred upon it by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine and all acts in amendment thereof and in addition thereto, and all the provisions of said acts are made applicable to the taking, construction, maintenance and operation of said sewers except as is otherwise provided herein.

The metropolitan water and sewerage board to exercise certain authority, etc.

SECTION 3. To meet the expenses incurred under the provisions of this act the treasurer and receiver general shall, from time to time, issue in the name and behalf of the commonwealth and under its seal bonds designated on the face thereof, Metropolitan Sewerage Loan, for a term not exceeding thirty years, to an amount not exceeding sixty-two thousand dollars,¹ in addition to the amount of such bonds heretofore authorized for the construction of the north metropolitan sewerage works. The provisions of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine and of chapter four hundred and twenty-four of the acts of the year eighteen hundred and ninety-eight and all acts in amendment thereof and in addition thereto shall, so far as they may be applicable, apply to the indebtedness authorized by this act.

Metropolitan
Sewerage
Loan.

Certain
provisions
of law to
apply.

¹ For additional loans see table of Appropriations, Appendix No. 1.

*Payment of
loans, etc.*

SECTION 4. The treasurer and receiver general shall in addition to levying the assessments now required by law to meet the interest and sinking fund requirements of the north metropolitan system, assess annually upon the cities of Malden and Everett, in equal shares, such sums as may be necessary to satisfy the interest and sinking fund requirements of the bonds issued under the provisions of this act.

Repeal.

SECTION 5. Chapter five hundred and forty-seven of the acts of the year nineteen hundred and ten is hereby repealed.

SECTION 6. This act shall take effect upon its passage.
[Approved June 2, 1911.]

[Chapter 541 of the Acts of the Year 1911.]

AN ACT RELATIVE TO WAGES OF EMPLOYEES OF THE METROPOLITAN PARK COMMISSION AND OF THE METROPOLITAN WATER AND SEWERAGE BOARD.

Be it enacted, etc., as follows:

*Wages of
laborers.*

SECTION 1. The wages paid by the metropolitan park commission and by the metropolitan water and sewerage board to laborers directly employed by them shall be not less than two dollars and twenty-five cents a day.¹

SECTION 2. This act shall take effect upon its passage.

(This bill, returned by the governor to the senate, the branch in which it originated, with his objections thereto, was passed by the senate June 5, and, in concurrence, by the house of representatives June 12, the objections of the governor notwithstanding, in the manner prescribed by the Constitution; and thereby has the "force of a law".)

¹ Amended by Acts of 1913, chap. 685.

[Chapter 624 of the Acts of the Year 1911.]

AN ACT RELATIVE TO REMOVALS, SUSPENSIONS AND
TRANSFERS IN THE CIVIL SERVICE.

Be it enacted, etc., as follows:

SECTION 1. Every person now holding or hereafter appointed to an office classified under the civil service rules of the commonwealth, except members of the police department of the city of Boston, of the police department of the metropolitan park commission, and except members of the district police, whether appointed for a definite or stated term, or otherwise, who is removed therefrom, lowered in rank or compensation, or suspended, or, without his consent, transferred from such office or employment to any other, may, after a public hearing, as provided for by section two of chapter three hundred and fourteen of the acts of the year nineteen hundred and four, as amended by chapter two hundred and forty-three of the acts of the year nineteen hundred and five, and within ten days after such hearing, bring a petition in the police, district or municipal court within the judicial district where such person resides, addressed to the justice of the court and praying that the action of the officer or board in removing, suspending, lowering or transferring him may be reviewed by the court, and after such notice to such officer or board as the court may think necessary, it shall review the action of said officer or board, and hear the witnesses, and shall affirm said order unless it shall appear that said order was made by said officer or board without proper cause or in bad faith, in which case said order shall be reversed and the petitioner be reinstated in his office. The decision of the justice of said police, district or municipal court shall be final and conclusive upon the parties.

Removals,
suspensions,
etc., in the
civil service.

SECTION 2. This act shall take effect upon its passage.

[Approved July 3, 1911.]

[Chapter 681 of the Acts of the Year 1911.]

AN ACT TO PROVIDE FOR THE RECONSTRUCTION OF FOX HILL BRIDGE OVER SAUGUS RIVER BETWEEN THE CITY OF LYNN AND THE TOWN OF SAUGUS.

Be it enacted, etc., as follows:

Reconstruction of Fox Hill bridge.

SECTION 1. Whereas public necessity and convenience require the reconstruction of the joint railway and highway bridge, commonly known as Fox Hill bridge, over the tide water known as Saugus river, between the city of Lynn and the town of Saugus, the county commissioners of the county of Essex, subject to the provisions of chapter ninety-six of the Revised Laws and acts in amendment thereof and in addition thereto and of all other general laws which may be applicable, are hereby authorized and directed to reconstruct the said bridge and approaches thereto with a draw not less than forty feet wide in the open, the same to be operated by electric power.

The metropolitan water board may operate its pipe line, etc.

SECTION 8. In the construction of the said bridge all reasonable opportunity shall be given to the metropolitan water board to maintain and operate its pipe line, now supported in part by the pile structure, and such reasonable modifications of the plans as may be necessary shall be made by the county commissioners to permit of the proper permanent relocation of the pipe either upon or adjacent to the finished structure: *provided*, that all added expense due to the protection and relocation of said water pipe shall be paid by the metropolitan water board.

Proviso.

Repeal.

SECTION 9. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 10. This act shall take effect upon its passage.
[Approved July 7, 1911.]

[Chapter 87 of the Acts of the Year 1911.]

RESOLVE TO PROVIDE FOR AN INVESTIGATION AND A REPORT AS TO LAKE COCHITUATE.

Resolved, That the metropolitan water and sewerage board and the state board of health are hereby requested to make an examination of the water of Lake Cochituate and of its immediate tributaries, and of the adequacy of the protection of the purity of said water, in order to determine whether or not the water is suitable for a domestic water supply, and as to the advisability of providing a method of filtration for the water. Said boards, acting jointly, shall report the result of their investigation, with such recommendations for legislation as they may deem advisable, to the general court on or before the fifteenth day of January, nineteen hundred and twelve; and they shall submit as a part of their report an estimate of the cost of a method of filtration. [Approved June 6, 1911.]

Metropolitan
and state
boards to
investigate
Lake
Cochituate.

[Chapter 141 of the Acts of the Year 1911.]

RESOLVE TO PROVIDE FOR THE APPOINTMENT OF A COMMISSION TO DETERMINE WHAT DAMAGES SHALL BE PAID TO THE TOWN OF STONEHAM BY REASON OF THE TAKING FOR THE METROPOLITAN WATER WORKS OF SPOT POND.

Resolved, That, upon the acceptance of this resolve by the town of Stoneham, but not more than one year after the passage thereof, said town may file in the clerk's office of the superior court for the county of Middlesex a petition for the determination of the damages sustained by it by reason of any taking or act of the metropolitan water board or of the metropolitan water and sewerage board under authority of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five,

Commission
to determine
damages of
town of
Stoneham
by taking of
Spot pond.

and acts in amendment thereof and in addition thereto, and thereupon, after such notice as said court shall order, the court shall appoint a commission of three disinterested persons. The commission shall, after notice and hearing, determine the damages specified in the petition which said town sustained as aforesaid and could have recovered upon a petition filed in accordance with the provisions of section thirteen of said chapter four hundred and eighty-eight, and shall report its determination to said court. Such determination, when accepted by the court, shall be final and conclusive, and the town shall thereupon be precluded from bringing any further action to recover for any damages caused as aforesaid. The court may allow the members of said commission reasonable compensation for their services, and the compensation so allowed and the damages, if any, determined as aforesaid shall be paid from the treasury of the commonwealth, and thereafter shall be apportioned and paid in the same manner in which the other expenses of the metropolitan water and sewerage board are apportioned and paid. [Approved July 19, 1911.]

[Chapter 146 of the Acts of the Year 1911.]

RESOLVE TO PROVIDE FOR A COMMISSION TO INVESTIGATE THE ENGINEERING EXPENSES OF THE COMMONWEALTH.

Commission
to investigate
engineering
expenses of
the com-
monwealth.

Resolved, That the chairman of the board of harbor and land commissioners, the chairman of the Massachusetts highway commission, the chairman of the state board of health, the chairman of the metropolitan park commission and the chairman of the metropolitan water and sewerage board shall be a commission on engineering expenses of the commonwealth, and shall investigate the engineering salaries and expenses of the various departments, boards and commissions of the commonwealth and shall determine whether there should be any reorganization, regrouping or

change in the methods of engineering done by the state boards, commissions and departments, and shall report its findings to the general court not later than January fifteenth, nineteen hundred and twelve. For the purposes of carrying out the provisions of this resolve there may be expended out of the treasury of the commonwealth a sum not exceeding one thousand dollars. [Approved July 21, 1911.]

[Chapter 461 of the Acts of the Year 1912.]

**AN ACT TO PROVIDE FOR CERTAIN IMPROVEMENTS IN THE
NORTH METROPOLITAN SEWERAGE SYSTEM.**

Be it enacted, etc., as follows:

SECTION 1. The metropolitan water and sewerage board is hereby authorized to provide and construct, as a part of the north metropolitan sewerage system, the following works: — An additional main sewer in the Mystic valley extending from a point in the old Mystic valley sewer near the boundary line between the city of Woburn and the town of Winchester and running through the town of Winchester and a part of the city of Medford to a point in the new metropolitan main sewer near its junction with the Mystic valley main sewer; and new screening machinery in connection with the East Boston sewerage pumping station, with such additional land as may be necessary in connection with the installation of such machinery; and for these purposes the sum of three hundred and seventy-eight thousand dollars shall be allowed and paid out of the treasury of the commonwealth from the Metropolitan Sewerage Loan Fund, North System.

SECTION 2. For the purposes named in the preceding section the said board may, in addition to providing for works for which expenditures have hitherto been authorized, expend any sum heretofore appropriated for the construction of the metropolitan sewerage works, north system.

To meet the further expenditures incurred under the provisions of this act and not so provided for, the treasurer and receiver general shall, from time to time, issue in the name and behalf of the commonwealth and under its seal bonds designated on the face thereof, Metropolitan Sewerage Loan, to an amount not exceeding three hundred and seventy-eight thousand dollars,¹ in addition to the amount of such bonds heretofore authorized for the construction of the north metropolitan sewerage works.

Provisions of law which apply.

SECTION 3. The provisions of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine and of all acts in amendment thereof and in addition thereto shall, so far as they may be applicable, apply to the indebtedness and all proceedings authorized by this act.

SECTION 4. This act shall take effect upon its passage.
[Approved April 10, 1912.]

[Chapter 528 of the Acts of the Year 1912.]

AN ACT TO PROVIDE A SATURDAY HALF HOLIDAY FOR LABORERS AND MECHANICS OF THE METROPOLITAN WATER AND SEWERAGE BOARD AND THE METROPOLITAN PARK COMMISSION.

Be it enacted, etc., as follows:

To provide a half holiday for certain laborers, etc.

SECTION 1. Laborers and mechanics in the permanent service of the metropolitan water and sewerage board of the metropolitan park commission, except those employed in the pumping stations of the metropolitan water and sewerage board and at the bath-houses under the control of the metropolitan park commission, shall be given a half holiday each week during the months of June, July, August and September,² without loss of pay, and, if practicable, the half holiday shall be on Saturday. If, how-

¹ For additional loans see table of Appropriations, Appendix No. 1.
² Amended by Acts 1914, chap. 455.

ever, the public service so requires, the metropolitan park commission and the metropolitan water and sewerage board may at any time during the year give to the laborers and mechanics in their permanent service in lieu of the said half holidays, days off duty without loss of pay equivalent in time to the half holidays which would otherwise be given under this act.

SECTION 2. This act shall take effect upon its passage.

(The foregoing was laid before the Governor on the seventeenth day of April, 1912, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

[Chapter 656 of the Acts of the Year 1912.]

AN ACT TO AUTHORIZE THE TOWN OF FRAMINGHAM TO
ENLARGE AND IMPROVE ITS SYSTEM OF WATER SUPPLY.

Be it enacted, etc., as follows:

SECTION 1. The town of Framingham, acting by its water commissioners, may enlarge and improve its system of water supply, and for that purpose may erect a pumping station and other necessary structures, lay pipes, aqueducts, conduits and other water courses, and may construct driven, artesian and other wells upon land in said town to be acquired therefor; and also may take, or acquire by purchase or otherwise, and hold any land, rights of way, and easements necessary for the purposes aforesaid, or for preserving the purity of the water. The town may also connect said system, as enlarged and improved, with the waters of reservoir number three of the metropolitan water works, the waters of Sudbury river or Farm pond and the waters which flow into and from said river and pond, or any reservoir constructed on said river, pond or waters situated in said town, and for the purpose of such connection may lay, construct and maintain pipes, aqueducts,

The town of
Framingham
may enlarge,
etc., its
system of
water supply.

conduits, driven, artesian or other wells, and other water courses in, upon and through land of the commonwealth to and into said reservoir number three or river, pond or waters or reservoirs, as aforesaid, and may distribute therefrom throughout said town sufficient water for the use of the town and its inhabitants for the extinguishment of fires and for domestic and other purposes. The point of connection with, and entrance into, said reservoir or river, pond and waters or reservoirs as aforesaid, and the location of any pipes, aqueducts, conduits, wells, or other water courses laid or constructed on land of the commonwealth, shall be determined by agreement between the town and the metropolitan water and sewerage board.

**May take
lands, rights
of way, etc.**

SECTION 2. For the purposes aforesaid the town is authorized to take, or to acquire by purchase or otherwise, any necessary land, rights of way, or other easements, to lay, construct and maintain any necessary pipes, aqueducts, conduits, reservoirs and other structures for holding, conveying, and distributing the water, or for preserving the purity thereof. The town may construct and lay pipes, aqueducts, conduits, artesian or other wells and any other water works under and over any land, including land of the commonwealth, as hereinbefore provided, water courses, railroads, railways or other public or private ways, in such manner as not unnecessarily to obstruct the same, and may do any other thing necessary or proper in executing the purposes of this act; but the town shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation except at such times and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the board of railroad commissioners.

**Taking to be
recorded.**

SECTION 3. The town shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, file and cause to be recorded in the registry of deeds for the county and district within which the same are situated a description

thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners of the town.

SECTION 4. The town shall pay all damages sustained by any person or corporation by the taking of any land, rights of way, water, water sources, water rights or easements or by any other thing taken or done by authority of this act. Any person or corporation sustaining such damages and failing to agree with the town as to the amount thereof may have the damages determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within a period of two years after the taking of such land or other property or the doing of other injury under the authority of this act. For all damages caused to the commonwealth or the metropolitan water and sewerage board by the taking of water from said reservoir, or river, pond, and waters or reservoirs as aforesaid by the town under the provisions of this act, the town shall pay to the commonwealth such sum, rate, damages, or compensation as may be agreed upon by the town through its water commissioners and the metropolitan water and sewerage board, and for all damages caused to the commonwealth or the metropolitan water and sewerage board by the exercise by the town of the rights and privileges herein granted to the town in lands of the commonwealth, the town shall also pay such sum as may be agreed upon as aforesaid, but in case the town and said board are unable to agree upon the amount of such sum, rate, damage or compensation, the matter shall be submitted to three commissioners to be appointed by the supreme judicial court upon application of either party and notice to the other, whose decision and award when accepted by the court shall be binding upon both parties.

SECTION 7. Nothing in this act shall be construed to affect any existing right, power or privilege of said town Existing rights not affected.

to take water from any lake, stream, well, pond, brook, reservoir or other source of water supply, or to abridge any rights, powers, or privileges heretofore reserved or granted to the town in respect to its water supply; and the rights, powers and privileges granted to the town by this act shall be held to be in addition to all rights, powers and privileges heretofore granted or reserved to the town.

Time of taking effect.

SECTION 8. This act shall take effect upon its acceptance by a majority of the voters of the town present and voting thereon at a meeting duly called for the purpose.

[*Approved May 27, 1912.*]

[Chapter 689 of the Acts of the Year 1912.]

AN ACT TO PROVIDE FOR DETERMINING THE DAMAGES TO
BE PAID TO THE TOWN OF STONEHAM BY REASON OF
THE TAKING OF SPOT POND FOR THE METROPOLITAN
WATER WORKS.

Be it enacted, etc., as follows:

Determining damages to Stoneham by reason of the taking of Spot pond, etc.

SECTION 1. Within one year after the passage of this act the town of Stoneham may file in the clerk's office of the superior court for the county of Middlesex a petition for the determination of the damages sustained by it by reason of any taking or act of the metropolitan water board or of the metropolitan water and sewerage board under authority of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, and acts in amendment thereof and in addition thereto, and thereupon, after such notice as said court shall order, the court shall appoint a commission of three disinterested persons. The commission shall, after notice and hearing, determine the damages specified in the petition which the town sustained as aforesaid and could have recovered upon a petition filed in accordance with the provisions of section thirteen of said chapter four hundred and eighty-eight, and shall report its determination to the court. The de-

termination, when accepted by the court, shall be final and conclusive, and the town shall thereupon be precluded from bringing any further action to recover for any damages caused as aforesaid. The court may allow the members of said commission reasonable compensation for their services, and the compensation so allowed and the damages, if any, determined as aforesaid shall be paid from the treasury of the commonwealth, and thereafter shall be apportioned and paid in the same manner in which the other expenses of the metropolitan water and sewerage board are apportioned and paid.

SECTION 2. This act shall take effect upon its passage.
[Approved May 29, 1912.]

[Chapter 694 of the Acts of the Year 1912.]

**AN ACT RELATIVE TO THE TAKING OF PROPERTY OF THE
 CITY OF BOSTON BY THE METROPOLITAN WATER AND
 SEWERAGE BOARD.**

Be it enacted, etc., as follows:

SECTION 1. The metropolitan water and sewerage board may take, or acquire by purchase or otherwise, the Fisher Hill reservoir, so called, and the land surrounding the same and the main water supply pipes belonging to the city of Boston located in the town of Brookline and the city of Somerville, and in Beacon street, Chestnut Hill avenue and land in the Brighton district of the city of Boston.

SECTION 2. To meet the expenditures incurred under the provisions of this act the treasurer and receiver general shall, from time to time, issue, upon the request of said board, bonds in the name and behalf of the commonwealth, to be designated on the face thereof, Metropolitan Water Loan, to an amount not exceeding six hundred thousand dollars,¹ in addition to the sum of forty-two million and

Metropolitan
 water and
 sewerage
 board may
 take Fisher
 Hill reservoir,
 etc.

¹ For additional loans see table of Appropriations, Appendix No. 2.

ninety thousand dollars authorized to be issued by chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five and acts in amendment thereof and in addition thereto, and the provisions of said chapter four hundred and eighty-eight and of acts in amendment thereof and in addition thereto shall apply to this additional loan.

SECTION 3. This act shall take effect upon its passage.
[Approved May 29, 1912.]

[Chapter 719 of the Acts of the Year 1912.]

**AN ACT TO ESTABLISH A COMMISSION ON ECONOMY AND
EFFICIENCY FOR THE COMMONWEALTH.**

Be it enacted, etc., as follows:

**Commission
on economy
and efficiency
established.**

SECTION 1. The governor, with the advice and consent of the council, shall appoint a commission on economy and efficiency for the commonwealth, to consist of three persons, qualified voters of the commonwealth, one of whom shall be the auditor of the commonwealth. The chairman shall be designated by the governor, shall be appointed for the term of two years from January first, nineteen hundred and twelve, and shall receive a salary at the rate of five thousand dollars per annum. The chairman shall give his whole time to the work of the commission. The other member shall be appointed for a term of one year from January first, nineteen hundred and twelve, and shall receive a salary at the rate of thirty-five hundred dollars per annum. Annually thereafter the governor, with the advice and consent of the council, shall appoint one member to serve for two years. Any vacancy shall be filled by the governor, with the advice and consent of the council, for the unexpired term, and at the expiration or other determination of the term of the person designated as chairman the governor shall designate a person to serve as chair-

man. In all cases a member shall continue to serve until his successor is appointed and qualified. The members of said commission may be removed by the governor, with the advice and consent of the council.

SECTION 2. Said commission may employ a secretary <sup>Secretary,
etc.</sup> and such experts, clerks and other assistants, and may pay them such salaries, and may incur such other expenses as it may deem necessary and proper, not exceeding the sum of ten thousand dollars in the year nineteen hundred and twelve, and not exceeding thereafter such sum as may be appropriated for that purpose by the general court. All appointments under this section shall be in accordance with the rules of the civil service commission.

SECTION 3. Every officer or board having charge of any department, institution or undertaking which receives an annual appropriation of money from the treasury of the commonwealth, including annual appropriations to be met by assessments, shall, annually, on or before the fifteenth day of November, submit to the auditor of the commonwealth, statements showing in detail the amounts appropriated for the current fiscal year, estimates of the amounts required for the ensuing fiscal year, with an explanation of the reason for any increased appropriation, and with citations of the statutes relating thereto, and the expenditures for the current year and for each of the two years next preceding. The said estimates shall not include any estimates for special purposes or objects. The auditor, on or before the fifteenth day of December in each year, shall submit to the governor elect and to the commission on economy and efficiency copies of the amounts so required by such departments, institutions or undertakings, together with a statement of the general appropriations for said departments, institutions or undertakings of the preceding fiscal year and the expenditures for the same and the unexpended balance as of the preceding thirtieth of November. The auditor shall further embody the statements <sup>Estimates to
be submitted
to the audि-
tor of the
common-
wealth, etc.</sup>

received from those in charge of such departments, institutions or undertakings, together with his estimates for the ensuing fiscal year for the ordinary and other revenue of the commonwealth, in one document, and shall have the document printed and shall transmit the same to the general court for its action on or before the first Thursday of January of each year. Copies of this document shall be distributed to the members of the general court.

Estimates for appropriations for special purposes to be submitted to the auditor, etc.

SECTION 4. Officers, heads of departments, boards, commissions and trustees of institutions, who, in their annual reports, or otherwise, recommend appropriations from the state treasury for special purposes or objects, including appropriations to be met by assessments, in addition to the ordinary running expenses, shall submit estimates thereof in detail to the auditor of the commonwealth on or before the fifteenth day of November in each year, and he shall classify and submit them to the governor elect and to the commission on economy and efficiency for their examination on or before the fifteenth day of December next succeeding, and shall have them printed in a public document, and shall transmit the same to the general court on or before the first Thursday of January of each year for its action.

Examination of estimates, report, etc.

SECTION 5. The commission on economy and efficiency shall examine the statements submitted to it by the auditor, showing the general and special appropriations asked for by those in charge of the various departments, institutions, boards and undertakings mentioned in sections three and four, and shall report thereon to the general court annually on or before the first Thursday in January, and at such other times as it may see fit, together with such facts, suggestions or recommendations as to any or all of the appropriations requested or the method of raising money for the same as it may deem expedient.

Special examinations to be made, etc.

SECTION 6. On request of either branch of the general court or of the ways and means committee of either

branch, or of the governor, or of the committee on finance of the governor's council, the commission shall make a special examination of any matter affecting the management or finances of any department, institution, board, undertaking or commission mentioned in section three, and on request shall give any information in its possession to either branch of the general court or to the ways and means committee of either branch or to the governor.

SECTION 7. The commission may make a special examination of the management or finances of any of the departments, institutions, boards, undertakings, or commissions mentioned in section three and may report thereon from time to time to the governor and council and to the general court, if it is in session.

SECTION 8. It shall be the duty of the commission to inquire into the laws governing the financial transactions of the commonwealth and to study into the possibility of promoting greater economy and efficiency and utility in the transaction of the business of the commonwealth by any changes in such laws, by the reorganization, consolidation or co-ordination of departments and institutions, by different methods of administration, by classification of employees, by fixing maximum and minimum salaries, by standardizing vacations, by organizing a central purchasing agency or department, by the substitution of the budget method of appropriating money or by any other means, and it shall report thereon from time to time to the governor and council and to the general court, if it is in session.

Inquiry to
be made into
the laws
governing
financial
transactions,
etc.

SECTION 9. For the purpose of this act and in order to provide information which shall serve as a basis for legislation, the commission shall have the power to require the attendance and testimony of witnesses and the production of all books, papers, contracts and documents relating to any matter within the scope of any investigation authorized by this act. Witnesses shall be summoned in the same

Powers of
the commis-
sion, etc.

manner and shall be paid the same fees as witnesses before the superior court. The chairman of the commission or any member thereof may administer oaths to, or take the affirmation of, witnesses and may prescribe rules and regulations for the conduct of hearings and the giving of testimony. If any person so summoned and paid shall refuse to attend, or to be sworn or to affirm, or to answer any question, or to produce any book, contract, document or paper pertinent to the matter of inquiry in consideration before the commission, a justice of the supreme judicial court or of the superior court, in his discretion, upon application by the commission or any member thereof authorized thereto by vote of the commission, may issue an order requiring such person to appear before the commission, and to produce his books, contracts, documents and papers and to give evidence touching the matter in question, and failure to obey such order of the court may be punished by such court as a contempt thereof. Any person summoned and paid who shall refuse to attend, or to be sworn or to affirm, or to answer any question, or to produce any book, contract, document or paper pertinent to the matter in consideration by the commission, and any person who wilfully interrupts or disturbs any hearing of the commission, or who is disorderly thereat, shall be punished by a fine not exceeding fifty dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment. Any person who wilfully swears or affirms falsely before the commission upon any point material to the matter of inquiry shall be guilty of perjury, and shall be subject to the provisions of sections one to five, both inclusive, of chapter two hundred and ten of the Revised Laws and amendments thereof. Upon application by the commission to any justice of the supreme judicial court, or of the superior court, the justice may issue a commission to one or more competent persons in another state for the examination of a person without this commonwealth rela-

tive to any matter within the scope of any investigation authorized by this act. The testimony of such person may be taken by open commission or otherwise under the procedure, so far as the same may be applicable, provided for by section forty-three of chapter one hundred and seventy-five of the Revised Laws, and the said justice may issue letters rogatory in support of said commission. Nothing in this act shall be construed to compel any person to give any testimony or to produce any evidence, documentary or otherwise, which may tend to incriminate him.

SECTION 10. The commission shall make a report to the governor and council and to the general court in January of each year, showing the work done by it during the preceding year, together with such facts, suggestions or recommendations as to the finances or management of any or all of the departments, institutions, boards, undertakings or commissions of the commonwealth, as it may see fit, and shall report on or before the first Thursday in January, nineteen hundred and thirteen, what changes if any in the laws it deems advisable in relation to its existence, organization, powers or duties. Any suggestions for legislation shall be accompanied with drafts of the bills recommended.

Commission
to report to
governor,
etc.

SECTION 11. Chapter two hundred and twenty of the Repeal. acts of the year nineteen hundred and ten and all acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 12. This act shall take effect upon its passage.
[Approved June 6, 1912.]

[Chapter 10 of the Resolves of the Year 1912.]

RESOLVE TO PROVIDE FOR AN INVESTIGATION OF THE CONDITION OF SPOT POND BROOK IN STONEHAM, MELROSE AND MALDEN.

Resolved, That the governor, with the advice and consent of the council, shall appoint one person and the mayor

Commission
to investigate
condition of

**Spot Pond
brook.**

of the city of Malden, the mayor of the city of Melrose and the selectmen of the town of Stoneham shall each appoint one person, and the four persons so appointed shall constitute a commission to be known as the Spot Pond Brook Commission. Said commission shall investigate the condition of Spot Pond brook in Stoneham, Melrose and Malden and report to the general court before the tenth day of January, nineteen hundred and thirteen, a plan for such improvements in said brook, by means of a retaining basin or otherwise, as will prevent flooding along the course of said brook, during the times of freshet, by the water turned into it by the metropolitan water and sewerage board from Doleful pond and the surrounding country. The metropolitan water and sewerage board shall assist the said commission by furnishing data in its possession relative to the said brook and also such reasonable engineering assistance as the commission may require. The commissioners shall be appointed within thirty days after the passage of this resolve and shall serve without pay. [Approved February 9, 1912.]

[Chapter 154 of the Acts of the Year 1913.]

AN ACT TO AUTHORIZE THE CITY OF QUINCY TO SELL WATER FOR MECHANICAL OR MANUFACTURING USES ON CERTAIN TERMS.

Be it enacted, etc., as follows:

The city of Quincy exempted from paying for water sold for certain purposes.

SECTION 1. The city of Quincy shall not be required to pay, and is hereby exempted from paying, to the treasurer of the commonwealth any money toward the interest, sinking fund requirements, and expenses of maintenance and operation of the metropolitan water system, or on any account whatsoever, for any water from its reservoir in the town of Braintree that it may sell or distribute in any year, exclusively for mechanical or manufacturing uses and purposes, and the water so sold shall not be consid-

ered by the metropolitan water and sewerage board in determining the amount of water consumed by said city during said year, which said board is required to certify to the treasurer of the commonwealth under the provisions of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, as amended by chapter four hundred and fifty-seven of the acts of the year nineteen hundred and six, or by any other acts in amendment thereof or in addition thereto; and the city of Quincy is hereby exempted from any provision of any of said acts which may now authorize the treasurer of the commonwealth to assess it on account of water from its own supply which it may so sell or distribute: *provided, however,* that the metropolitan water and sewerage board certifies to the treasurer and receiver general of the commonwealth that the water sold and distributed under this act has been used for mechanical or manufacturing purposes only.

Proviso.

SECTION 2. Any contract which the said city may make with a consumer for the sale of said water for mechanical or manufacturing uses or purposes shall contain a provision that whenever the public authority having control of the water of said reservoir determines that there is occasion to use said water for public purposes, said authority may terminate such contract on giving to the consumer reasonable notice of its intention so to do. Whenever such a contract is so terminated, the consumer shall not be entitled to any compensation by way of damage or otherwise by reason thereof. Such a contract may be entered into in behalf of the city by the mayor and the commissioner of public works, and may be for a year or for a greater or less period of time, as they may think proper, and upon such further terms and conditions as they may determine that the interests of the city require.

Provision in
contracts for
sale of water.

SECTION 3. This act shall not in any manner abridge any right which the city of Quincy may now have con-

Not to affect
certain rights.

cerning the disposal of said water, and the authority conferred by this act shall be in addition to the authority now possessed by it.

SECTION 4. This act shall take effect upon its passage.
[Approved February 24, 1913.]

[Chapter 162 of the Acts of the Year 1913.]

**AN ACT TO AUTHORIZE THE TOWN OF MILTON TO SUPPLY
WATER TO A PART OF THE TOWN OF CANTON.**

Be it enacted, etc., as follows:

The town of
Milton may
supply water
to a part of
the town of
Canton.

SECTION 1. The town of Milton may lay and maintain water pipes and hydrants under or upon any public or private way and along such ways in that part of the town of Canton adjoining the town of Milton and bounded by Washington street, Royal street, Green street, Green Lodge street, land of the commonwealth, and by the town of Milton, in such manner as not unnecessarily to obstruct the same, and for the purpose of constructing, laying, maintaining, operating and repairing such pipes and other works, may dig up such ways in such manner as to cause the least hindrance to public travel on such ways; but all things done upon the said ways shall be subject to the direction of the selectmen of the town of Canton.

SECTION 2. This act shall take effect upon its passage.
[Approved February 26, 1913.]

[Chapter 377 of the Acts of the Year 1913.]

**AN ACT TO AUTHORIZE THE METROPOLITAN WATER AND
SEWERAGE BOARD TO CONSTRUCT AN ADDITIONAL
BRANCH SEWER IN THE CITY OF SOMERVILLE.**

Be it enacted, etc., as follows:

Construction
of branch
sewer in
Somerville
authorized.

SECTION 1. The metropolitan water and sewerage board is hereby authorized to construct an additional branch sewer through a part of the city of Somerville, in

order to dispose of sewage coming from the city of Medford, and for this purpose the said board is hereby authorized to expend any balance of the proceeds of bonds already issued on account of the Metropolitan Sewerage Loan Fund, for the benefit of the north metropolitan sewerage district, which may be in excess of the amount required for satisfying the purposes for which said bonds were issued.

SECTION 2. This act shall take effect upon its passage.
[Approved March 28, 1913.]

[Chapter 422 of the Acts of the Year 1913.]

**AN ACT RELATIVE TO ALLOWANCES TO CITIES AND TOWNS
 IN THE METROPOLITAN WATER DISTRICT FOR WATER
 FURNISHED FROM THEIR OWN SOURCES.**

Be it enacted, etc., as follows:

SECTION 1. Any city or town belonging to the metropolitan water district, established under the provisions of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, which is assessed upon its total valuation, or which shall be admitted to the district under said chapter or any subsequent act of the general court, and which shall agree with the metropolitan water and sewerage board to furnish from its own works a constant and fixed quantity of water of proper quality for a term of five or more years, as a part of its own water supply, such quantity to be not greater than the safe capacity of its sources in a dry year as determined by said board, shall be allowed and credited in its apportionment with such sum for every million gallons furnished in accordance with the agreement so made, as shall be determined in each year by the said board and certified by it to the treasurer of the commonwealth: *provided, however,* *Proviso.* that the said sum shall not be less than twenty-four dollars per million gallons and shall not exceed the average cost

*Allowance
 for water
 furnished by
 cities and
 towns in
 metropolitan
 water district
 from their
 own sources.*

to the metropolitan water district of water furnished from the metropolitan water supply during the year preceding that in which the assessment is made.

SECTION 2. This act shall take effect upon its passage.
[Approved March 31, 1913.]

[Chapter 535 of the Acts of the Year 1913.]

**AN ACT RELATIVE TO THE RATE OF INTEREST ON DAMAGES
 IN THE CASE OF REAL ESTATE TAKEN OR INJURED BY
 THE METROPOLITAN PARK COMMISSION OR THE MET-
 ROPOLITAN WATER AND SEWERAGE BOARD.**

Be it enacted, etc., as follows:

Rate of
 interest on
 damages for
 real estate
 taken by
 metropolitan
 park commis-
 sion and
 metropolitan
 water and
 sewerage
 board.

SECTION 1. In a suit to determine damages for the taking of and injury to real estate taken or injured, after the passage of this act, by the metropolitan park commission or by the metropolitan water and sewerage board under authority of any law or statute, the damages so determined shall bear interest at the rate of five per cent per annum from the date when damages are to be assessed under the law or statute by virtue of which such real estate was taken or injured.

SECTION 2. This act shall take effect upon its passage.
[Approved April 21, 1913.]

[Chapter 534 of the Acts of the Year 1913.]

**AN ACT RELATIVE TO THE PREPARATION AND PRINTING OF
 LISTS OF STATE OFFICIALS AND EMPLOYEES WITH
 THEIR SALARIES OR COMPENSATION.**

Be it enacted, etc., as follows:

1910, 268,
 § 1, etc.
 amended.

SECTION 1. Section one of chapter two hundred and sixty-eight of the acts of the year nineteen hundred and ten, as amended by chapter forty-three of the acts of the year nineteen hundred and eleven, is hereby further

amended by striking out after the word "amount", in the sixteenth line, the words "of all money paid for services or salaries to any official or employee, not otherwise", and inserting in place thereof the words: — of money paid for services or salaries to officials or employees not employed on the first day of July preceding and therefore not, — and by striking out all after the word "year", in the next to the last line, and inserting in place thereof the words: — and for the two preceding years, — so as to read as follows: — *Section 1.* Every department, commission, bureau or board of the commonwealth, shall, on or before the fifteenth day of July in the year nineteen hundred and ten, and on or before the fifteenth day of July in every year thereafter, prepare and furnish to the governor and council lists of all the officials and employees of the commonwealth employed in or by such department, commission, bureau or board on the first day of July preceding, for whose services money has been paid from the treasury of the commonwealth. The said lists shall be arranged by divisions of the several departments, commissions, bureaus or boards, when such divisions exist, and shall give the name, residence, designation, rate of compensation and the date of election or appointment of every such official and employee, and any increase in the rate of salary or compensation for the year preceding; and also the aggregate amount of money paid for services or salaries to officials or employees not employed on the first day of July preceding and therefore not shown upon the list, for the year beginning with the first day of July in the year preceding that in which the list is prepared. It shall be the duty of the auditor of the commonwealth to verify the said lists, the compensation and the said aggregate amounts from the pay roll. The said lists and aggregate amounts shall be printed at the expense of the commonwealth as a document of the commonwealth, before the first day of October in the year in which they are furnished, and the

List of officials and employees to be furnished to governor and council, etc.

Auditor to verify lists.

To be printed as public document, etc.

said document shall contain a summary by departments, commissions, bureaus and boards of the total number of officials and employees employed in or by every such department, commission, bureau and board and the total amount paid for services by every such department, commission, bureau and board from the treasury of the commonwealth, and, respectively, the whole number of such officials and employees, and the whole amount paid for services in a grand total; and a summary by every such department, commission, bureau and board of the total number of such officials and employees and the total amount paid for services for the year and for the two preceding years.

SECTION 2. This act shall take effect upon its passage.
[Approved April 22, 1913.]

[Chapter 537 of the Acts of the Year 1913.]

**AN ACT TO AUTHORIZE THE TOWN OF ARLINGTON TO SELL
 WATER FOR MECHANICAL AND AGRICULTURAL PURPOSES.**

Be it enacted, etc., as follows:

*Town of
 Arlington
 exempted from
 paying for
 water sold by
 it for certain
 purposes.*

SECTION 1. The town of Arlington shall not be required to pay, and is hereby exempted from paying, to the treasurer of the commonwealth any money toward the interest, sinking fund requirements and expenses of maintenance and operation of the metropolitan water system, or on any account whatsoever, for any water from its reservoir in the towns of Arlington and Lexington which it may sell or distribute in any year exclusively for mechanical, manufacturing or agricultural purposes, and the water so sold shall not be considered by the metropolitan water and sewerage board in determining the amount of water consumed by said town during said year, which said board is required to certify to the treasurer of the commonwealth under the provisions of chapter four hundred

and eighty-eight of the acts of the year eighteen hundred and ninety-five, as amended by chapter four hundred and fifty-seven of the acts of the year nineteen hundred and six, or by any other acts in amendment thereof or in addition thereto, and the town of Arlington is hereby exempted from any provision of either of said acts which authorizes the treasurer of the commonwealth to assess it on account of water from its own supply which it may so sell or distribute: *provided, however,* that the metropolitan water ^{Proviso.} and sewerage board certifies to the treasurer and receiver general of the commonwealth that the water sold and distributed under authority of this act has been used for mechanical, manufacturing or agricultural purposes only.

SECTION 2. Any contract which the said town may ^{Provision in contracts for sale of water.} make with a consumer for the sale of water from said reservoir for mechanical, manufacturing or agricultural purposes, shall contain a provision that whenever the public authority having control of the water of said reservoir determines that there is occasion to use said water for public purposes, said authority may terminate such contract on giving to the consumer reasonable notice of its intention so to do. Whenever such a contract is so terminated, the consumer shall not be entitled to any compensation by way of damage or otherwise by reason thereof. Such a contract may be entered into in behalf of the town by the board of public works, and may be for a year or for a greater or less period of time, as the board may think proper, and upon such further terms and conditions as it may determine that the interests of the town require.

SECTION 3. This act shall not abridge any right which the town of Arlington may have concerning the disposal of said water, and the authority conferred by this act shall be in addition to the authority now possessed by the town.

SECTION 4. This act shall take effect upon its passage.
[Approved April 23, 1913.]

[Chapter 688 of the Acts of the Year 1913.]

**AN ACT RELATIVE TO THE DRAINAGE OF MEDFORD STREET
IN THE CITY OF SOMERVILLE.**

Be it enacted, etc., as follows:

Drainage
of Medford
street in the
city of
Somerville.

SECTION 1. In the abolition of the railroad grade crossing at Medford street in Somerville now being made under a decree of the superior court, there shall be provided as a part of the work of construction such method for removing all surface and storm water from the new low grade of the street into the drainage system of the city of Somerville as may be approved by the metropolitan water and sewerage board, instead of the connection with the metropolitan sewerage system as required by the decree, and the expense shall be treated as one of the expenses of the abolition of the crossing.

SECTION 2. This act shall take effect upon its passage.

[Approved April 26, 1913.

[Chapter 688 of the Acts of the Year 1913.]

**AN ACT TO PROVIDE FOR AN ADDITIONAL WATER SUPPLY
FOR THE CITY OF NEWTON.**

Be it enacted, etc., as follows:

City of New-
ton may take
an additional
supply of
water.

SECTION 1. The city of Newton is hereby authorized, upon the approval of the state board of health, to take water for the use of said city and the inhabitants thereof not exceeding three million gallons daily, or such portion thereof as shall be approved by the state board of health, in addition to the five million gallons daily which said city is now authorized to take by chapter three hundred and forty-four of the acts of the year eighteen hundred and seventy-two, and chapter three hundred and two of the acts of the year eighteen hundred and eighty-nine. The said additional quantity of water shall be taken from the land now owned by the city on or near Charles river.

SECTION 2. The said city shall be liable to the owner <sup>Damages,
etc.</sup> of any property injured or damaged by reason of the taking of water hereby authorized, and if the parties cannot agree upon the amount of such damage, any person or corporation whose property is so injured or damaged may have the damage assessed upon application by petition filed in the superior court in the county of Middlesex within one year after said city takes additional water under the provisions of this act, and the fact and date of such taking shall be recorded by a properly certified document in the registry of deeds for the southern district of the county of Middlesex and in the registry of deeds for the county of Norfolk.

SECTION 3. This act shall take effect upon its acceptance by the board of aldermen of the city of Newton. <sup>Time of
taking effect.</sup>

(This bill, returned by the governor to the senate, the branch in which it originated, with his objections thereto, was passed by the senate, May 18, and, in concurrence, by the house of representatives, May 19, the objections of the governor notwithstanding, in the manner prescribed by the Constitution; and thereby has the "force of a law".)

[Chapter 684 of the Acts of the Year 1913.]

AN ACT TO PROVIDE FOR AN ADDITIONAL WATER SUPPLY
FOR THE TOWN OF BROOKLINE.

Be it enacted, etc., as follows:

SECTION 1. The town of Brookline is hereby authorized upon the approval of the state board of health to take water for the use of the town and the inhabitants thereof, not exceeding three million gallons daily, or such portion thereof as shall be approved by the state board of health, in addition to the five million gallons daily which the town is now authorized to take by chapter three hundred and forty-three of the acts of the year eighteen hundred and

Town of
Brookline
may take an
additional
supply of
water.

seventy-two, by chapter one hundred and thirty-one of the acts of the year eighteen hundred and eighty-eight, and by chapter three hundred and ninety-one of the acts of the year nineteen hundred. The said additional quantity of water shall be taken from the land now owned by the town on or near Charles river, by means of wells and galleries already upon said land or hereafter to be driven or dug therein.

**Damages,
etc.**

SECTION 2. The town shall be liable to the owner of any property damaged by reason of the taking of water hereby authorized; and if the parties cannot agree upon the amount of such damage, the owner may have the damages assessed upon application by petition filed in the superior court for the county of Norfolk within one year after said town takes additional water under the provisions of this act, and the fact and date of such taking shall be recorded by a properly certified document in the registry of deeds in the county of Middlesex and in the county of Norfolk.

**Town of
Brookline
Water Loan.**

SECTION 3. Said town, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, may issue from time to time bonds or notes to an amount not exceeding two hundred and fifty thousand dollars in addition to the amounts heretofore authorized by law to be issued by the town for water supply purposes. Bonds or notes issued under authority of this act shall bear on their face the words, Town of Brookline Water Loan, Act of 1913; shall be payable by such annual payments, beginning not more than one year after the date of the first issue thereof, as will extinguish the loan within thirty years from the date thereof. The amount of such annual payment of the loan in any year shall not be less than the amount of the principal of the loan payable in any subsequent year. Each authorized issue of bonds or notes shall constitute a separate loan. The bonds or notes shall bear interest at a rate not exceed-

ing four and one half per cent per annum, payable semi-annually, and shall be signed by the treasurer of the town and countersigned by a majority of the selectmen. The town may sell such bonds or notes at public or private sale, upon such terms and conditions as it may deem proper, but they shall not be sold for less than their par value.

SECTION 4. The town shall, at the time of authorizing ^{Payment of loan.} the said loan or loans, provide for the payment thereof in accordance with section three of this act; and when a vote to that effect has been passed, a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds or notes issued as aforesaid by the town, and to make such payments on the principal as may be required under the provisions of this act, shall, without further vote, be assessed by the assessors of the town annually thereafter, in the same manner in which other taxes are assessed, until the debt incurred by said loan or loans is extinguished.

SECTION 5. This act shall take effect upon its passage.
(This bill, returned by the governor to the senate, the branch in which it originated, with his objections thereto, was passed by the senate, May 13, and, in concurrence, by the house of representatives, May 19, the objections of the governor notwithstanding, in the manner prescribed by the Constitution; and thereby has the "force of a law".)

[Chapter 685 of the Acts of the Year 1913.]

AN ACT RELATIVE TO WAGES OF EMPLOYEES OF THE METROPOLITAN PARK COMMISSION AND OF THE METROPOLITAN WATER AND SEWERAGE BOARD.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter five hundred and forty-one of the acts of the year nineteen hundred and <sup>1911, 541, § 1,
amended.</sup>

eleven is hereby amended by striking out the word "twenty-five", in the fourth line, and inserting in place thereof the word: — fifty, — so as to read as follows: —

Section 1. The wages paid by the metropolitan park commission and by the metropolitan water and sewerage board to laborers directly employed by them shall be not less than two dollars and fifty cents a day.

SECTION 2. This act shall take effect upon its passage.

(This bill, returned by the governor to the senate, the branch in which it originated, with his objections thereto, was passed by the senate, May 13, and, in concurrence, by the house of representatives, May 19, the objections of the governor notwithstanding, in the manner prescribed by the Constitution; and thereby has the "force of a law".)

[Chapter 755 of the Acts of the Year 1913.]

AN ACT TO AUTHORIZE THE LOWERING OF THE METROPOLITAN WATER MAINS IN CHELSEA CREEK.

Be it enacted, etc., as follows:

*Lowering of
metropolitan
water mains
in Chelsea
creek
authorized.*

SECTION 1. The metropolitan water and sewerage board is hereby authorized to lower the metropolitan water mains in Chelsea creek to a sufficient depth to permit the carrying out of the improvements in said creek provided for by an act of the congress of the United States passed in the year nineteen hundred and twelve, and may sink shafts, construct a tunnel and do any other act or thing necessary to comply with the requirements of said act.

*Issue of
bonds
authorized.*

SECTION 2. To meet the expenditures incurred under the provisions of this act the treasurer and receiver general shall issue from time to time, upon the request of said board, bonds in the name and behalf of the commonwealth, to be designated on the face thereof, Metropolitan Water Loan, to an amount not exceeding seventy-five thousand

dollars¹ in addition to the amount of such bonds heretofore authorized under the provisions of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five and acts in amendment thereof and in addition thereto, and the provisions of said chapter four hundred and eighty-eight and of said acts shall apply to this additional loan.

SECTION 3. This act shall take effect upon its passage.
[Approved June 6, 1913.]

[Chapter 769 of the Acts of the Year 1913.]

**AN ACT TO AUTHORIZE THE CITY OF NEWTON TO PROVIDE
 FOR THE DISPOSAL OF SEWAGE FROM THE RIVERSIDE
 RECREATION GROUNDS.**

Be it enacted, etc., as follows:

SECTION 1. The city of Newton may permit the entrance into the sewers of that city of the sewage of the Riverside Recreation Grounds, so-called, situated on the westerly side of Charles river in the town of Weston, so long as the said grounds shall be occupied by the trustees of the Riverside Recreation Grounds, or their successors, upon such terms, agreements and stipulations as may be agreed upon by said city and said trustees, and all sewage so received may be discharged into the south metropolitan sewerage system: *provided, however,* that such terms, *Proviso.* agreements and stipulations shall have been approved by the metropolitan water and sewerage board, and that such further provisions as the said board shall deem necessary have been complied with.

SECTION 2. This act shall take effect upon its passage.
[Approved June 13, 1913.]

¹ For additional loans see table of Appropriations, Appendix No. 2.

[Chapter 814 of the Acts of the Year 1913.]

**AN ACT TO PROVIDE FOR THE IMPROVEMENT OF BEAVER
DAM BROOK IN THE TOWNS OF ASHLAND, FRAMING-
HAM, SHERBORN AND NATICK.**

Be it enacted, etc., as follows:

**Improvement
of Beaver
Dam brook
authorized.**

SECTION 1. The metropolitan water and sewerage board is authorized to widen, straighten and deepen the channel of Beaver Dam brook in the towns of Ashland, Framingham, Sherborn and Natick, and otherwise to improve said brook from Waushakum pond in the towns of Ashland and Framingham to the outlet of said brook at Lake Cochituate in the town of Natick.

**Description
of lands,
etc., taken to
be recorded.**

SECTION 2. The said board, for the purposes aforesaid, may take, or acquire by purchase or otherwise, lands, easements, rights of way, water rights and other property, and shall sign and cause to be recorded in the registry of deeds for the county and district in which the property to be taken is situated a description thereof as certain as is required in a common conveyance of land, and stating that the same is taken for the metropolitan water works; and upon such recording the property so described shall vest in the commonwealth.

Damages.

SECTION 3. Any person whose property is injured by the taking or by the widening, straightening or deepening of said brook, or by any other act of the said board under the provisions of this act, and who has not released to the commonwealth all claims for damages on account of the same, may have his damages determined by the award of, or by agreement with, the said board; and if the parties cannot agree upon the damages, the damages may be determined by a jury of the superior court for the county of Middlesex under the provisions of chapter forty-eight of the Revised Laws, so far as they may be applicable, upon a petition therefor filed by the person aggrieved in the office of the clerk within one year after the damage is sustained, and the petitioner shall have judgment for the

amount determined, with interest on the excess of the amount over the award of the board, and costs if the amount is greater than the award of the said board; otherwise the petitioner shall recover no interest and shall pay costs.

SECTION 4. The expense incurred in carrying out the provisions of this act shall be paid out of the treasury of the commonwealth, and the treasurer and receiver general shall, from time to time, on the request of the said board, issue negotiable bonds in the name and in behalf of the commonwealth and under its seal, designated on the face thereof, Metropolitan Water Loan, to an amount not exceeding thirty-three thousand dollars;¹ and the provisions of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five and acts in amendment thereof and in addition thereto shall, so far as the same are applicable, apply to said loan.

SECTION 5. The metropolitan water and sewerage board shall, within one year after the completion of the work hereby authorized, if in its opinion any land receives a benefit from the improvements beyond the general benefit to all land in said towns, and if the owner has not released to the commonwealth all claims for damages on account of any act or thing done by said board, its agents, or servants in carrying out the provisions of this act, determine the value of and assess upon the land receiving such benefit a proportional share of the cost of the said improvements, not exceeding the value of the benefit; and any person whose land is so assessed may have the amount of the assessment determined by a jury of the superior court for the county of Middlesex, under the provisions of chapter fifty of the Revised Laws, so far as they may be applicable, but without interest or costs if the assessment by the jury is less than the amount determined by the said board. The assessment so determined by the said board or by a jury, as the case may be, shall constitute a lien upon the land until it is paid. Every such assessment shall be

Issue of
bonds
authorized.

¹ For additional loans see table of Appropriations, Appendix No. 2.

certified by the secretary of said board or by the clerk of said court to the collector of the town in which the land lies, and shall be collected by him in the manner provided for the collection of taxes, and the proceeds thereof shall be paid into the treasury of the commonwealth, and be applied by the treasurer toward payment of the expense incurred in making the said improvements.

**Buildings
near brook
may be con-
nected with
sewers of
town of
Framingham.**

SECTION 6. The town of Framingham shall permit dwelling houses and other buildings situated near said brook in the towns of Ashland, Natick or Sherborn, to be connected with the sewers of the town of Framingham, upon payment of such entrance fees as the town of Framingham may determine, and subject to such reasonable regulations and sewer rentals relative thereto as may be adopted and established by the town of Framingham.

**Payment
of expense.**

SECTION 7. One third of the expense incurred as aforesaid shall be borne and paid by the town of Framingham, and the said town shall from time to time pay into the treasury of the commonwealth, within three months after notice from the treasurer of the commonwealth, such sums as may be necessary to reimburse the commonwealth for its share of the expense incurred as aforesaid, and the sum so paid by the town shall be applied by the treasurer toward the payment of the said expense.

**Town of
Framingham
Beaver Dam
Brook Loan,
Act of 1913.**

SECTION 8. The town of Framingham may appropriate money for the purpose of paying the amount to be paid by said town into the treasury of the commonwealth under the provisions of this act, and for that purpose the town is hereby authorized, from time to time, to borrow money beyond its statutory limit of indebtedness to an amount not exceeding twelve thousand dollars, and to issue notes or bonds therefor. Such notes or bonds shall bear on the face thereof the words, Town of Framingham Beaver Dam Brook Loan, Act of 1913, and also the words, Exempt from Taxation in Massachusetts, shall be payable by such annual payments beginning not more than one

year after the date thereof as will extinguish each loan within twelve years from its date; and the amount of such annual payment of any loan in any year shall not be less than the amount of the principal of such loan payable in any subsequent year. Each authorized issue of notes or bonds shall constitute a separate loan. Said notes or bonds shall bear interest, payable semi-annually, at a rate not exceeding five per cent per annum, and shall be signed by the treasurer and countersigned by the selectmen of the town. The town may sell the said securities at public or private sale, upon such terms and conditions as it may deem expedient, but they shall not be sold for less than their par value.

SECTION 9. The town shall, at the time of authorizing the said loan, provide for the payment thereof in accordance with the provisions of the preceding section; and when a vote to that effect has been passed the amount required thereby shall, without further vote, be assessed by the assessors of the town annually thereafter, in the same manner in which other taxes are assessed, until the debt incurred by the loan is extinguished. The said town shall also raise annually by taxation a sum which will be sufficient to pay the interest as it accrues on the notes or bonds issued under authority of this act.

SECTION 10. This act shall take effect upon its passage.
[Approved June 16, 1913.]

[Chapter 83 of the Resolves of the Year 1913.]

RESOLVE TO PROVIDE FOR AN EXAMINATION RELATIVE TO
 THE DISPOSAL OF SEWAGE IN THE SOUTH METROPOLITAN SEWERAGE DISTRICT AND TO THE EXTENSION OF
 SAID DISTRICT.

Resolved, That the state board of health is hereby authorized and directed to re-examine the general subject of

Examination relative to disposal of

sewage for
the south
metropolitan
district.

the disposal of sewage for the south metropolitan sewerage district, and particularly to consider whether any extension of said district is desirable, and to make report thereon to the general court. For this purpose said board may employ such engineering and other assistants as may be necessary to carry out the purposes of this resolve. All bills for expenses incurred under the provisions of this resolve shall be approved by the governor and council before they are sent to the auditor for payment, and in no event shall the expense exceed the sum of twenty-five hundred dollars. The report herein required shall be made to the general court on or before the fifteenth day of January in the year nineteen hundred and fourteen. [Approved May 8, 1913.]

[Chapter 100 of the Resolves of the Year 1913.]

**RESOLVE TO PROVIDE FOR AN INVESTIGATION AND A REPORT
ON THE IMPROVEMENT OF SPOT POND BROOK IN STONE-
HAM, MELROSE AND MALDEN.**

Spot Pond
Brook
Improvement
Commission,
duties, etc.

Resolved, That the chairman of the metropolitan water and sewerage board, the chairman of the metropolitan park commission, the chairman of the county commissioners of the county of Middlesex, the mayor of the city of Malden and the mayor of the city of Melrose are hereby constituted a commission, to be known as the Spot Pond Brook Improvement Commission. The said commission shall investigate the condition of Spot Pond brook in Stoneham, Melrose and Malden and report to the general court, before the tenth day of January, nineteen hundred and fourteen, a plan for the most economical means of preventing flooding along the course of said brook, together with such suggestions and recommendations relative to the improvement of the brook and the drainage of the territory through which it flows as the commission may deem advisable. [Approved May 29, 1913.]

[Chapter 78 of the Acts of the Year 1914.]

AN ACT TO AUTHORIZE THE METROPOLITAN WATER AND SEWERAGE BOARD TO PERMIT RESIDENTS OF THE TOWN OF FRAMINGHAM TO USE FARM POND FOR BATHING PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan water and sewerage board is hereby authorized to permit the inhabitants and residents of the town of Framingham, at such times as the board may determine and under such rules and regulations as the board may prescribe, to use for the purposes of bathing and swimming such part of Farm pond in said town as is situated southerly and southwesterly of the conduit of the metropolitan system of water supply in said pond.

Metropolitan
water and
sewerage
board au-
thorized to
permit use of
Farm pond
for bathing.

SECTION 2. This act shall take effect upon its passage.

[Approved February 24, 1914.]

[Chapter 117 of the Acts of the Year 1914.]

AN ACT TO AUTHORIZE THE TOWN OF SHERBORN TO SUPPLY ITSELF AND ITS INHABITANTS WITH WATER.

Be it enacted, etc., as follows:

SECTION 1. The town of Sherborn may supply itself and its inhabitants with water for the extinguishment of fires and for domestic, manufacturing and other purposes; may establish fountains and hydrants and relocate or discontinue the same; and may regulate the use of such water and fix and collect rates to be paid therefor.

Town of
Sherborn
may supply
itself with
water.

SECTION 2. Said town, for the purposes aforesaid, may take, or acquire by purchase or otherwise, and hold the waters of any pond except Farm pond in said town, and of any stream or of any ground sources of supply, by means of driven, artesian or other wells within the limits

May take cer-
tain waters,
water rights,
etc.

of the town, and the water rights connected with any such water sources, or may purchase water from any individual or private corporation or from any municipal corporation owning and operating water works, whose territory joins that of the town of Sherborn, and any such municipal corporation is hereby authorized to furnish water for the town of Sherborn upon terms mutually agreed upon, from its own authorized sources of supply; or said town may make arrangements for obtaining water from the metropolitan water system which shall be satisfactory to the town and to the metropolitan water and sewerage board, and may also take or acquire by purchase or otherwise, and hold all lands, rights of way and easements necessary for collecting, storing, holding, purifying and preserving the purity of the water and for conveying the same to any part of said town: *provided*, that there is no infringement upon the existing rights and privileges of the metropolitan water system excepting as provided for above; and *provided*, that no source of water supply and no lands necessary for preserving the quality of the water shall be taken or used without first obtaining the advice and approval of the state board of health, and that the location of all dams, reservoirs and wells to be used as sources of water supply under this act shall be subject to the approval of said board.

**May obtain
water from
metropolitan
water system.**

Provisos.

**Time of
taking effect.**

SECTION 10. This act shall take effect upon its acceptance by a majority vote of the legal voters of the town of Sherborn present and voting thereon at an annual or special town meeting within three years after its passage; and for the purpose of being submitted to the voters as aforesaid this act shall take effect upon its passage. [Approved May 2, 1914.]

[Chapter 259 of the Acts of the Year 1914.]

AN ACT TO AUTHORIZE THE CONSTRUCTION OF AN ADDITIONAL METROPOLITAN SEWER TO PROVIDE FOR THE SEWAGE OF THE TOWN OF REVERE.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan water and sewerage board may, in order to provide an additional outlet for the sewage of the town of Revere, construct an additional metropolitan sewer for a distance of about one thousand feet in the city of Chelsea and town of Revere, from station $29 + 42$, section 57, of the north metropolitan system, through private land in said city and town to a point in Fenno street in Revere near the boundary line between the said city and town.

SECTION 2. For the purpose of constructing said additional sewer, the said board, acting in behalf of the commonwealth, shall have and exercise all the authority conferred upon it by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine and all acts in amendment thereof and in addition thereto, and the provisions of said act are hereby made applicable to the taking of lands and easements in land hereunder and to the construction, maintenance and operation of said sewer except as is otherwise provided herein.

The metropolitan water and sewerage board to exercise certain authority, etc.

SECTION 3. To meet the expenses incurred under this act, the treasurer and receiver general shall from time to time issue in the name and behalf of the commonwealth, and under its seal, bonds designated on the face thereof, Metropolitan Sewerage Loan, for a term not exceeding thirty years, and to an amount not exceeding five thousand five hundred dollars,¹ in addition to the amount of such bonds heretofore authorized for the construction of the north metropolitan sewerage works. The provisions of chapter four hundred and thirty-nine of the acts of the

Metropolitan Sewerage Loan.

Certain provisions of law to apply.

¹ For additional loans see table of Appropriations, Appendix No. 1.

Proviso.

year eighteen hundred and eighty-nine and of chapter four hundred and twenty-four of the acts of the year eighteen hundred and ninety-eight, and all acts in amendment thereof and in addition thereto, shall, so far as they may be applicable, apply to the indebtedness authorized by this act: *provided, however,* that the town of Revere shall not be reimbursed for any expenses incurred under this act either by the commonwealth or by the north metropolitan sewerage district.

Payment of loans, etc.

SECTION 4. The treasurer and receiver general shall, in addition to levying the assessments now required by law to meet the interest and sinking fund requirements of the north metropolitan system, assess annually upon the town of Revere such sum as may be necessary to satisfy the interest and sinking fund and other requirements of the bonds issued under the provisions of this act.

SECTION 5. This act shall take effect upon its passage.
[Approved March 30, 1914.]

[Chapter 343 of the Acts of the Year 1914.]

AN ACT TO INCLUDE THE TOWN OF WELLESLEY WITHIN THE SOUTH METROPOLITAN SEWERAGE DISTRICT.

Be it enacted, etc., as follows:

**Town of
Wellesley
added to
south
metropolitan
sewerage
district.**

SECTION 1. The territory comprising the town of Wellesley is hereby added to the south metropolitan sewerage district created by chapter four hundred and twenty-four of the acts of the year eighteen hundred and ninety-nine. In becoming a part of the said system, said town shall be subject to the provisions and shall conform to the requirements of said chapter and of acts in amendment thereof and in addition thereto, except as is otherwise provided herein. Any authority granted to other municipalities by said chapter or by acts in amendment thereof and in addition thereto, is also vested in the town of Wellesley in common with such other municipalities.

SECTION 2. The metropolitan water and sewerage board shall provide an outlet at the Wellesley town line for the sewage of said town, and, acting on behalf of the commonwealth, shall construct a main trunk sewer or sewers through such parts of the city of Boston, the towns of Dedham, Westwood, Dover and Needham, and from said Wellesley town line to such point in the south metropolitan system as the board may determine to be necessary in order to make connection with the Neponset Valley sewer.

Outlet to be provided at Wellesley town line.

SECTION 3. In providing for such outlet and in receiving sewage from the town of Wellesley, and in any action relating thereto, and for the purpose of taking, constructing and maintaining such additional main lines of sewers, the metropolitan water and sewerage board, acting on behalf of the commonwealth, shall have and exercise all the authority conferred upon it by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine and by chapter one hundred and sixty-eight of the acts of the year nineteen hundred and one, and by acts in amendment thereof and in addition thereto; and all the provisions of said chapters and acts are made applicable to the additional construction, maintenance and operation hereby authorized except as is otherwise provided herein.

The metropolitan water and sewerage board to exercise certain authority, etc.

SECTION 4. To meet the expenses incurred under the provisions of this act, the treasurer and receiver general of the commonwealth shall from time to time issue in the name and behalf of the commonwealth and under its seal, bonds, designated on the face thereof, Metropolitan Sewerage Loan, for a term not exceeding forty years, to an amount not exceeding three hundred and fifty thousand dollars in addition to the amount of such bonds heretofore authorized for the construction of the south metropolitan sewerage works. The provisions of said chapter four hundred and twenty-four and of all acts in amendment thereof and in addition thereto shall, so far as they

Metropolitan Sewerage Loan.

Certain provisions of law to apply.

are applicable, apply to the indebtedness authorized by this act.

Payment of
loans, etc.

SECTION 5. The interest and sinking fund requirements on account of the moneys expended in constructing that part of the sewerage system provided for in this act, and the cost of maintenance and operation thereof, shall be deemed to be, and shall be paid as, a part of the interest, sinking fund requirements and costs specified in said chapter four hundred and twenty-four and acts in amendment thereof and in addition thereto, and shall be apportioned, assessed and collected in the manner provided by that chapter and acts in amendment thereof and in addition thereto except as is otherwise provided herein. The town of Wellesley shall, in addition to the yearly payment of the assessment so provided for, pay into the treasury of the commonwealth for the sinking fund of the south metropolitan sewerage district such proportion of the total amount of said sinking fund, as existing on the first day of April in the year of its admission to the south metropolitan district, as the valuation of the said town for the said year shall bear to the total amount of the valuation of said district, as determined for the purposes of apportionment of assessments. Such proportion shall be determined by the metropolitan water and sewerage board, and shall be certified by said board to the treasurer and receiver general of the commonwealth. The treasurer and receiver general shall determine the total amount so to be paid by said town on account of its admission to the district, and for the payment thereof shall add one fifth of said total amount to the yearly sum payable by said town on account of its share of the interest and sinking fund requirements of the district for the succeeding five years. No assessment on account of maintenance requirements of the south metropolitan sewerage district shall be made upon said town until the calendar

year in which its sewers shall be connected with the south metropolitan system as herein provided.

SECTION 6. This act shall take effect when accepted by vote of a majority of the voters of the town of Wellesley present and voting thereon at a meeting legally called for the purpose. [Approved April 13, 1914.]

[Chapter 344 of the Acts of the Year 1914.]

AN ACT TO AUTHORIZE THE METROPOLITAN WATER AND SEWERAGE BOARD TO EXTEND THE OUTFALL SEWER AT DEER ISLAND.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan water and sewerage board is hereby authorized to construct as a part of the north metropolitan sewerage system an extension of the outfall sewer at Deer Island.

SECTION 2. To meet the expenses incurred under the provisions of this act the treasurer and receiver general shall issue from time to time in the name and behalf of the commonwealth and under its seal, bonds designated on the face thereof, Metropolitan Sewerage Loan, to an amount not exceeding one hundred and twenty-five thousand dollars,¹ in addition to the amount of such bonds heretofore authorized for the construction of the north metropolitan sewerage works.

SECTION 3. The provisions of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine and of all acts in amendment thereof and in addition thereto shall, so far as they may be applicable, apply to the indebtedness authorized by this act and to all proceedings hereunder.

SECTION 4. This act shall take effect upon its passage. [Approved April 13, 1914.]

¹ For additional loans see table of Appropriations, Appendix No. 1.

[Chapter 455 of the Acts of the Year 1914.]

**AN ACT RELATIVE TO A HALF HOLIDAY FOR LABORERS AND
MECHANICS OF THE METROPOLITAN WATER AND
SEWERAGE BOARD AND THE METROPOLITAN PARK
COMMISSION.**

Be it enacted, etc., as follows:

1912, 528, § 1,
amended.

To provide a
half holiday
for certain
laborers, etc.

Section one of chapter five hundred and twenty-eight of the acts of the year nineteen hundred and twelve is hereby amended by inserting before the word "June", in the seventh line, the words:— April, May,— so as to read as follows:— *Section 1.* Laborers and mechanics in the permanent service of the metropolitan water and sewerage board or the metropolitan park commission, except those employed in the pumping stations of the metropolitan water and sewerage board and at the bath houses under the control of the metropolitan park commission, shall be given a half holiday each week during the months of April, May, June, July, August and September, without loss of pay, and, if practicable, the half holiday shall be on Saturday. If, however, the public service so requires, the metropolitan park commission and the metropolitan water and sewerage board may at any time during the year give to the laborers and mechanics in their permanent service, in lieu of the said half holidays, days off duty without loss of pay equivalent in time to the half holidays which would otherwise be given under this act.
[Approved April 30, 1914.]

[Chapter 474 of the Acts of the Year 1914.]

**AN ACT RELATIVE TO THE WAGES OF MECHANICS EMPLOYED
IN THE CONSTRUCTION OF PUBLIC WORKS.**

Be it enacted, etc., as follows:

1909, 514,
§ 21,
amended.

SECTION 1. Section twenty-one of chapter five hundred and fourteen of the acts of the year nineteen hundred and

nine is hereby amended by inserting after the word "effect", in the eighth line, the words:— The wages for a day's work paid to mechanics employed in such construction of public works shall be not less than the customary and prevailing rate of wages for a day's work in the same trade or occupation in the locality, city or town where such public works are constructed,— so as to read as follows:— *Section 21.* In the employment of mechanics and laborers in the construction of public works by the commonwealth, or by a county, city or town, or by persons contracting therewith, preference shall be given to citizens of the commonwealth, and, if they cannot be obtained in sufficient numbers, then to citizens of the United States; and every contract for such works shall contain a provision to this effect. The wages for a day's work paid to mechanics employed in such construction of public works shall be not less than the customary and prevailing rate of wages for a day's work in the same trade or occupation in the locality, city or town where such public works are constructed. Any contractor who knowingly and wilfully violates the provisions of this section shall be punished by a fine of not more than one hundred dollars for each offence.

SECTION 2. The board of labor and industries shall enforce the provisions of this act, and in case of any dispute that may arise upon public works as to the customary and prevailing rate of wages the board of labor and industries shall investigate the wages paid in the trade or occupation in the locality, city or town where such public works are under construction and decide what rate of wages shall be paid upon such works. [Approved May 5, 1914.]

Preference
to be given
to citizens in
public work.

Wages to
be paid.

Board of
labor and
industries to
enforce pro-
visions of
this act.

[Chapter 540 of the Acts of the Year 1914.]

AN ACT RELATIVE TO THE QUALIFICATIONS OF INSPECTORS OF MASONRY CONSTRUCTION EMPLOYED BY THE COMMONWEALTH OR BY COUNTIES, CITIES AND TOWNS.

Be it enacted, etc., as follows:

**Qualifications
of inspectors
of masonry
defined.**

SECTION 1. Persons employed by the commonwealth, or by any metropolitan board or commission, or by any county, city or town, as inspectors of masonry construction, shall have had at least three years' practical experience in masonry construction, but shall not be required to have technical knowledge as engineers, architects or draftsmen, unless they have other duties for which such knowledge is necessary. The provisions of this section shall apply only to persons whose principal duty is the inspection of masonry construction, consisting of stone, brick or substitutes therefor.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.
[Approved May 19, 1914.]

[Chapter 601 of the Acts of the Year 1914.]

AN ACT TO AUTHORIZE THE METROPOLITAN WATER AND SEWERAGE BOARD TO MAKE CERTAIN IMPROVEMENTS IN THE METROPOLITAN WATER SYSTEM.

Be it enacted, etc., as follows:

**Improvements
in
metropolitan
water system.**

SECTION 1. The metropolitan water and sewerage board is hereby authorized to construct the following works: a twenty-four-inch main from River street in Dorchester, through Milton to Quincy; a reinforced concrete reservoir on Bellevue hill in Boston; a twenty-inch force main to said reservoir; and an electric power plant at the Sudbury dam.

SECTION 2. To meet the expenses incurred under the provisions of this act the treasurer and receiver general shall from time to time issue, upon the request of said board, bonds in the name and behalf of the commonwealth, to be designated on the face thereof, Metropolitan Water Loan, to an amount not exceeding two hundred and fifty-four thousand dollars, to be taken from the unexpended balance of four hundred and fifty thousand dollars appropriated by chapter six hundred and ninety-four of the acts of the year nineteen hundred and twelve; and the provisions of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five and acts in amendment thereof and in addition thereto, shall, so far as the same are applicable, apply to the indebtedness and all proceedings authorized by this act.

SECTION 3. This act shall take effect upon its passage.

[Approved June 2, 1914.]

[Chapter 605 of the Acts of the Year 1914.]

**AN ACT TO ESTABLISH GRADES FOR SALARIES OF CLERKS
AND STENOGRAPHERS EMPLOYED IN THE DEPARTMENTS
OF THE COMMONWEALTH.**

Be it enacted, etc., as follows:

SECTION 1. There are hereby established three grades for stenographers in the service of the boards, commissions and departments of the commonwealth whose salaries are not established by law.

Grading of
stenographers
in public
service.

Grade 1. The yearly salary of the first grade shall begin at six hundred dollars and shall increase by yearly increments of fifty dollars until it reaches the sum of seven hundred and fifty dollars. The head of the department may, however, if the stenographer has been efficient and satisfactory in conduct, further increase the salary by yearly increments of fifty dollars until it reaches a maximum of eight hundred and fifty dollars.

Grade 2. The yearly salary of the second grade shall begin at seven hundred and fifty dollars and shall increase by yearly increments until it reaches the sum of nine hundred dollars. The head of the department may, however, if the stenographer has been efficient and satisfactory in conduct, further increase the salary by yearly increments of fifty dollars until it reaches a maximum of one thousand dollars.

Grade 3. The yearly salary of the persons hereafter employed in this grade shall be fixed by a vote of the governor and council upon the recommendation of the head of the department.

SECTION 2. There are hereby established three grades for clerks in the service of the boards, commissions and departments of the commonwealth whose salaries are not established by law.

Grade 1. The yearly salary of the first grade shall begin at five hundred dollars and shall increase by yearly increments of fifty dollars until it reaches the sum of seven hundred and fifty dollars. The head of the department may, however, if the clerk has been efficient and satisfactory in conduct, further increase the salary by yearly increments of fifty dollars until it reaches a maximum of eight hundred and fifty dollars.

Grade 2. The yearly salary of the second grade shall begin at seven hundred and fifty dollars and shall increase by yearly increments of fifty dollars until it reaches the sum of nine hundred dollars. The head of the department may, however, if the clerk has been efficient and satisfactory in conduct, further increase the salary by yearly increments of fifty dollars until it reaches a maximum of one thousand dollars.

Grade 3. The yearly salary of the persons hereafter employed in this grade shall be fixed by vote of the governor and council upon the recommendation of the head of the department.

Grading of
clerks in pub-
lic service.

SECTION 3. The head of a department may, in exceptional cases, put a stenographer or clerk on the second or third year of either grade upon a certificate signed by the head of the department and filed with the civil service commission that the needs of the department justify such action.

SECTION 4. The annual increment in salary shall not be allowed unless the conduct of the stenographer or clerk has been in all respects satisfactory, and the head of the department shall certify to the auditor of accounts whether or not each stenographer or clerk is entitled to the increment.

SECTION 5. All appointments to the position of stenographer or clerk in any board, commission or department of the commonwealth shall hereafter be made only within the grades and at the salaries established by this act; and the salary of such stenographer or clerk shall not be increased except according to the provisions of this act: *provided, however,* that in special cases where the head of a department shall certify to the governor and council that the interests of the service demand an extra increase of salary for a particular stenographer or clerk, the governor and council may vote to allow such increase in salary.

SECTION 6. Promotions shall not be made from a lower to a higher grade except for positive merit and upon a certificate signed by the head of the department and filed with the civil service commission that the person to be promoted is thoroughly competent to perform efficiently work of a superior and more advanced character and that the needs of the department justify such promotion, and no increase of salary shall be paid until such certificate is filed.

SECTION 7. No transfer of a stenographer or clerk shall be made from a board, commission or department of the commonwealth to another except within the grade and

at the salary at which such stenographer or clerk is already employed, and then only in accordance with the rules established under chapter nineteen of the Revised Laws and of the amendments thereof.

Temporary employment.

SECTION 8. Nothing in this act shall be construed as preventing the temporary employment from time to time under civil service rules of such additional stenographers or clerks as the exigencies of the public business may, in the judgment of the board, commission or head of the department, require, within the limits of such appropriations as may be made by the general court for the contingent expenses of such board, commission or department.

Stenographers and clerks to be classified before Dec. 1, 1914.

SECTION 9. Heads of departments shall, before December first, nineteen hundred and fourteen, grade stenographers and clerks in their employ in accordance with the provisions of this act, and shall notify the auditor of accounts of such action, and thereafter every such stenographer or clerk shall be entitled to the yearly increments established by this act.

Not to reduce present salaries.

SECTION 10. Nothing in this act shall be construed as reducing the salary now paid to any stenographer or clerk in any board, commission or department of the commonwealth.

Not to include department of legislation.

SECTION 11. The terms "department" and "departments" as used in this act shall not be construed to include the department of legislation.

Not to apply to institutions.

SECTION 12. This act shall not apply to stenographers or clerks in the institutions of the commonwealth.

Time of taking effect.

SECTION 13. This act shall take effect on the first day of December, nineteen hundred and fourteen. [Approved June 2, 1914.]

[Chapter 645 of the Acts of the Year 1914.]

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS
FOR SUNDRY MISCELLANEOUS EXPENSES AUTHORIZED
DURING THE PRESENT YEAR AND FOR CERTAIN OTHER
EXPENSES AUTHORIZED BY LAW.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the commonwealth from the ordinary revenue, unless otherwise specified, to wit: —

For Mary Davern, widow of Bernard Davern, as authorized by chapter sixty of the resolves of the present year, a sum not exceeding one hundred and seventy-five dollars, the same to be paid from the Metropolitan Sewerage Maintenance, North System, Fund.

SECTION 2. This act shall take effect upon its passage.
[Approved June 8, 1914.]

[Chapter 688 of the Acts of the Year 1914.]

AN ACT TO MAKE SATURDAY A HALF-HOLIDAY FOR LABORERS, WORKMEN AND MECHANICS EMPLOYED BY OR ON BEHALF OF THE COMMONWEALTH AND OTHERWISE TO REGULATE THEIR EMPLOYMENT.

Be it enacted, etc., as follows:

SECTION 1. All laborers, workmen and mechanics employed by the commonwealth in any capacity, or by any officer, board or commission on behalf of the commonwealth, who are permanent employees or who have been certified by the civil service commission and whose services can be dispensed with, shall be given a half-holiday on every Saturday in the year, without loss of pay.

Work to be
done on day-
work basis,
if possible.

Referendum.

Time of
taking effect.

SECTION 2. So far as is possible, all work by laborers, workmen and mechanics employed by the commonwealth or by any officer, board or commission on behalf of the commonwealth, shall be on the day-work basis.

SECTION 3. This act shall be submitted for acceptance to the voters of the commonwealth at the state election in the present year in answer to the question, to be printed on the official ballot for use at said election, "Shall an act passed by the general court in the year nineteen hundred and fourteen to make Saturday a half-holiday, without loss of pay, for laborers, workmen and mechanics employed by or on behalf of the commonwealth and otherwise to regulate their employment, be accepted?"

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

If a majority of the voters voting thereon vote in the affirmative, this act shall take effect; otherwise, it shall be void. [Approved June 20, 1914.]

[Chapter 703 of the Acts of the Year 1914.]

AN ACT TO PROVIDE FOR THE CONSTRUCTION AND MAINTENANCE OF A BATHING OR SWIMMING POOL IN THE TOWN OF ASHLAND.

Be it enacted, etc., as follows:

Metropolitan water and sewerage board may make agreement with town of Ashland for construction of swimming pool in said town.

SECTION 1. The metropolitan water and sewerage board and the town of Ashland, acting by its selectmen, are hereby authorized, upon such terms and conditions as may mutually be agreed upon, to enter into a contract or agreement for the construction and maintenance of a swimming or bathing pool in the town of Ashland for the use of the inhabitants and residents of said town, and for the construction of bath houses for use in connection therewith, and to do any and all other things necessary and proper to be done in order to make said swimming or bathing pool available for use. Said bathing or swimming pool shall be so situated and all work in connection

therewith shall be so performed as not to be a source of pollution to any water supply.

SECTION 2. The metropolitan water and sewerage board is further authorized to permit the inhabitants and residents of the town of Ashland, at such times as the board may fix, and under such rules and regulations as it may prescribe, to use for the purpose of providing water for said pool such part of the Sudbury river and other waters in said town as may be set apart therefor by the board.

SECTION 3. The metropolitan water and sewerage board may take any land in fee, or any easements, rights or other property, or the use of any property, that the board may deem necessary or desirable for carrying out the provisions of this act.

SECTION 4. The metropolitan water and sewerage board or the town of Ashland or any person or corporation injured by the taking authorized in the preceding section may, if the parties cannot agree upon the damages so sustained, within two years after the date of the taking of the land, or other property, or of the use of any property, file in the office of the clerk of the superior court for the county of Middlesex a petition, signed by the petitioner or by his attorney, for a jury to determine the damages, and thereupon, after such notice as the court shall order, the damages sustained shall be determined by a jury in the manner in which damages for the taking of land for laying out highways are determined.

SECTION 5. The town of Ashland is hereby authorized to appropriate money annually, or from time to time as occasion may require, for the purpose of carrying out the provisions of this act.

SECTION 6. This act shall take effect upon its acceptance by a majority of the voters of said town present and voting thereon at a town meeting duly called for the purpose. [Approved June 25, 1914.]

*May use
water of Sud-
bury river,
etc.*

*Board may
take land or
rights neces-
sary for
carrying out
provisions of
act.*

*Ashland
authorized to
make annual
appropria-
tions.*

*Time of
taking effect.*

[Chapter 739 of the Acts of the Year 1914.]

AN ACT TO AUTHORIZE THE METROPOLITAN WATER AND SEWERAGE BOARD TO MAKE A PAYMENT TO THE CITY OF MEDFORD IN LIEU OF TAXES ON LANDS BELONGING TO THE COMMONWEALTH.

Be it enacted, etc., as follows:

Payment to
Medford in
lieu of taxes.

SECTION 1. The metropolitan water and sewerage board is hereby authorized to pay to the city of Medford the sum of three thousand five hundred fifty-one dollars and ninety-one cents in settlement of annual payments, to and including the year nineteen hundred and twelve, in lieu of taxes on land taken by the metropolitan water and sewerage board for the commonwealth of Massachusetts in said city; and the treasurer of the commonwealth is authorized to pay said sum to the city of Medford and charge the same to the Metropolitan Water Maintenance Fund.

SECTION 2. This act shall take effect upon its passage.
[Approved July 2, 1914.]

[Chapter 734 of the Acts of the Year 1914.]

AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR SUNDRY MISCELLANEOUS EXPENSES AUTHORIZED DURING THE PRESENT YEAR AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

Appropria-
tions.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, unless otherwise specified, to wit:—

Increasing
certain wages.

For increasing certain wages, as authorized by chapter ninety-six of the resolves of the present year, the following sums are hereby appropriated, in addition to those

already authorized for a similar purpose:—Metropolitan Water Maintenance Fund, two thousand dollars; North Metropolitan Sewerage Fund, fifteen hundred dollars; South Metropolitan Sewerage Fund, fifteen hundred dollars; severally to be assessed upon the cities and towns composing the different districts.

SECTION 2. This act shall take effect upon its passage.
[Approved July 2, 1914.]

[Chapter 767 of the Acts of the Year 1914.]

**AN ACT RELATIVE TO THE TAXATION OF PROPERTY HELD
 BY THE METEOPOLITAN WATER AND SEWERAGE BOARD
 IN THE TOWN OF SOUTHBOROUGH AND TO THE SALE
 OR DISPOSAL OF ELECTRICITY BY SAID BOARD.**

Be it enacted, etc., as follows:

SECTION 1. The property held by the metropolitan water and sewerage board, or its successors, in the town of Southborough, used in the generation or sale of electricity, shall be subject to taxation and shall be assessed on a valuation of sixty-two thousand dollars in any year in which any power is generated and sold.

Taxation of
 property held
 by metropoli-
 tan water
 and sewerage
 board in
 town of
 Southborough.

SECTION 2. In the sale or disposal of electricity generated in the town of Southborough under the provisions of section three of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, preference shall be given to persons or corporations proposing to use all of such electricity in the town of Southborough: *provided*, that there are responsible persons or corporations so proposing to use all the electricity in said town who shall offer to purchase the same on terms as advantageous as shall be offered by others not so proposing to use the same; and the said board shall, at least ten days before making a contract for the sale of such electricity, cause to be printed in some newspaper published in said

Sale or
 disposal of
 electricity.

Proviso.

town a request for proposals for the purchase of the electricity to be generated and sold by said board.

SECTION 3. This act shall take effect upon its passage.
[Approved July 7, 1914.]

[Chapter 775 of the Acts of the Year 1914.]

AN ACT IN ADDITION TO THE SEVERAL ACTS MAKING APPROPRIATIONS FOR SUNDY MISCELLANEOUS EXPENSES.

Be it enacted, etc., as follows:

Appropria-
tions.

Repair of
damage at
East Boston
sewerage
pumping
station.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, unless otherwise specified, to wit:—

For expenses of repairing the damage done by a recent explosion at the pumping station of the metropolitan sewerage system in East Boston, as authorized by chapter one hundred and twenty-five of the resolves of the present year, a sum not exceeding thirty-five thousand dollars, the same to be paid from the Metropolitan Sewerage Maintenance Fund, North System.

SECTION 2. This act shall take effect upon its passage.
[Approved July 7, 1914.]

[Chapter 796 of the Acts of the Year 1914.]

AN ACT IN ADDITION TO THE SEVERAL ACTS MAKING APPROPRIATIONS FOR SUNDY MISCELLANEOUS EXPENSES AUTHORIZED DURING THE PRESENT YEAR OR BY PREVIOUS LAWS.

Be it enacted, etc., as follows:

Appropria-
tions.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the com-

monwealth from the ordinary revenue, unless otherwise specified, to wit: —

For a payment to the city of Medford in lieu of taxes, Payment to Medford in lieu of taxes. as authorized by chapter seven hundred and twenty-nine of the acts of the present year, the sum of thirty-five hundred fifty-one dollars and ninety-one cents, the same to be paid from the Metropolitan Water Maintenance Fund.

For the compensation of James McGovern, as authorized by chapter one hundred and fifty-four of the resolves of the present year, a sum not exceeding two hundred dollars, the same to be paid from the Metropolitan Sewerage Maintenance Fund, North System. Payment to James McGovern.

SECTION 2. This act shall take effect upon its passage.
[Approved July 7, 1914.]

[Chapter 50 of the Resolves of the Year 1914.]

RESOLVE RELATIVE TO THE DRAINAGE OF SPOT POND BROOK.

Resolved, That the metropolitan water and sewerage board shall make and report to the next general court, on or before the tenth day of January, an estimate of the cost of putting Spot Pond brook in such condition that it will properly receive and carry off all waters which may flow into it under ordinary circumstances. The said estimate shall include the probable amount of any damage to real estate that may be caused by the said improvement. Metropolitan water and sewerage board to report on Spot Pond brook drainage.

[Approved April 28, 1914.]

[Chapter 60 of the Resolves of the Year 1914.]

RESOLVE IN FAVOR OF THE WIDOW AND CHILDREN OF BERNARD DAVERN.

Payment
to Mary
Davern.

Proviso.

Resolved, That there be allowed and paid out of the North Metropolitan Sewerage Maintenance Fund to Mary Davern, widow of Bernard Davern who died as a result of injuries received by him while in the service of the metropolitan water and sewerage board, the sum of three hundred dollars annually for the term of five years from the date of the passage of this resolve, which shall be paid in equal quarterly instalments and shall be in lieu of any other compensation: *provided, however*, that if the said Mary Davern remarries or dies before the expiration of said five years the annuity aforesaid shall be paid for the remainder of the term to the surviving children of said Bernard Davern. [Approved May 5, 1914.]

[Chapter 96 of the Resolves of the Year 1914.]

RESOLVE TO PROVIDE FOR CERTAIN INCREASES IN WAGES PAID BY THE METROPOLITAN WATER AND SEWERAGE BOARD.

Increases in
wages for
certain
employees of
metropolitan
water and
sewerage
board
authorized.

Resolved, That the metropolitan water and sewerage board is hereby authorized to increase the wages or salaries of the engineers employed in the eleven stations of said board, and the wages of firemen, oilers, coal passers and screenmen employed by said board. The said increases shall be made in such manner and proportion as the board shall determine to be just, but shall not exceed in the aggregate the sum of five thousand dollars. This sum shall be in addition to the sums heretofore appropriated for the use of the board and shall be distributed as follows:— Two thousand dollars to the Metropolitan Water Maintenance Fund; fifteen hundred dollars to the

North Metropolitan Sewerage Maintenance Fund and fifteen hundred dollars to the South Metropolitan Sewerage Maintenance Fund. [Approved June 4, 1914.]

[Chapter 116 of the Resolves of the Year 1914.]

**RESOLVE RELATIVE TO THE ADMISSION OF THE TOWN OF
READING TO THE NORTH METROPOLITAN SEWERAGE
DISTRICT.**

Resolved, That the metropolitan water and sewerage board and the state board of health, acting jointly, shall consider the expediency and estimate the cost of adding the town of Reading, or a part thereof, to the north metropolitan sewerage district, and of the taking or purchasing by the commonwealth of the trunk line sewer constructed by the town of Wakefield from the Melrose town line to Main street in Wakefield. The said joint board shall consider the provisions of House Bills Numbers 1317 and 1486, now pending, and shall report to the next general court, not later than the second Wednesday in January, with such recommendations for legislation in the matter, if any, as the joint board may deem expedient. [Approved June 16, 1914.]

Relative to
admission of
Reading to
north metro-
politan sew-
erage district
and purchase
of Wakefield
sewer.

[Chapter 125 of the Resolves of the Year 1914.]

**RESOLVE TO PROVIDE FOR REPAIRING THE DAMAGE DONE
BY A RECENT EXPLOSION AT THE PUMPING STATION
OF THE METROPOLITAN SEWERAGE SYSTEM IN EAST
BOSTON.**

Resolved, That there be allowed and paid out of the treasury of the commonwealth from the Metropolitan Maintenance Fund, North System, a sum not exceeding thirty-five thousand dollars, for the purpose of repairing

Repair of
East Boston
sewerage
pumping
station.

the damage done by a recent explosion at the pumping station of the metropolitan sewerage system in East Boston, the same to be assessed upon the district served by the north metropolitan sewerage system. [Approved June 25, 1914.]

[Chapter 154 of the Resolves of the Year 1914.]

RESOLVE IN FAVOR OF JAMES McGOVERN.

Payment
to James
McGovern.

Resolved, That the metropolitan water and sewerage board is hereby authorized to pay to James McGovern and those dependent upon him such sum as he would be entitled to receive under the provisions of chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven, and acts in amendment thereto, if he had been an employee of the commonwealth at the time when he was injured by an explosion which occurred at the East Boston metropolitan pumping station on June first, nineteen hundred and fourteen. Payment shall be made from the North Metropolitan Sewerage Maintenance Fund. [Approved July 7, 1914.]

APPENDIX.



APPENDIX No. 1.

APPROPRIATIONS FOR METROPOLITAN SEWERAGE WORKS.

CONSTRUCTION.

North Metropolitan System:

General appropriation,	.	.	.	.	\$5,000,000 made by Acts 1889, chap. 439
General appropriation,	.	.	.	.	500,000 made by Acts 1894, chap. 307
General appropriation,	.	.	.	.	300,000 made by Acts 1895, chap. 294
General appropriation,	.	.	.	.	155,000 made by Acts 1898, chap. 424
General appropriation,	.	.	.	.	250,000 made by Acts 1903, chap. 399
Wakefield extension appropriation,	.	.	.	.	30,000 made by Acts 1896, chap. 414
Wakefield extension appropriation,	.	.	.	.	5,000 made by Acts 1897, chap. 88
Wakefield extension appropriation,	.	.	.	.	175,000 made by Acts 1900, chap. 173
Lexington extension appropriation,	.	.	.	.	70,000 made by Acts 1897, chap. 520
Revere extension appropriation,	.	.	.	.	200,000 made by Acts 1903, chap. 243
Stoneham outlet appropriation,	.	.	.	.	10,000 made by Acts 1897, chap. 436
Everett and Malden outlet appropriation,	.	.	.	.	60,000 made by Acts 1898, chap. 215
Everett and Chelsea outlet appropriation,	.	.	.	.	90,000 made by Acts 1900, chap. 184
Belmont outlet appropriation,	.	.	.	.	50,000 made by Acts 1903, chap. 336
East Boston and Deer Island pumping stations appropriation,	.	.	.	.	413,000 made by Acts 1908, chap. 556
Malden-Everett extension appropriation,	.	.	.	.	62,000 made by Acts 1911, chap. 512
New Mystic sewer appropriation,	.	.	.	.	378,000 made by Acts 1912, chap. 461
Additional outlet for sewage of Revere,	.	.	.	.	5,500 made by Acts 1914, chap. 250
Extension of outfall sewer at Deer Island,	.	.	.	.	125,000 made by Acts 1914, chap. 344

South Metropolitan System:

Charles River Valley (appropriation for Charles River Valley System is included above in the first general appropriation for the North Metropolitan System).	.	.	.	.	.
Charles River Valley (Watertown siphon) appropriation,	.	.	.	.	9,600 made by Acts 1900, chap. 464
Neponset River Valley appropriation,	.	.	.	.	500,000 made by Acts 1895, chap. 406
Neponset River Valley appropriation,	.	.	.	.	300,000 made by Acts 1897, chap. 83
Neponset River Valley appropriation,	.	.	.	.	35,000 made by Acts 1898, chap. 180
Neponset River Valley appropriation,	.	.	.	.	25,000 made by Acts 1899, chap. 241
Neponset River Valley appropriation,	.	.	.	.	4,000 made by Acts 1903, chap. 315
Neponset River Valley (Brookline extension) appropriation,	.	.	.	.	40,000 made by Acts 1901, chap. 204
High-level appropriation, ¹	.	.	.	.	4,800,000 made by Acts 1899, chap. 424
High-level appropriation,	.	.	.	.	996,000 made by Acts 1903, chap. 356
High-level appropriation,	.	.	.	.	7,000 made by Acts 1904, chap. 230
High-level appropriation,	.	.	.	.	385,000 made by Acts 1904, chap. 246
High-level extension appropriation,	.	.	.	.	1,785,000 made by Acts 1906, chap. 406

Office Furniture,² 4,500 made by Acts 1893, chap. 415

¹ Includes appropriation of \$30,000 for investigation as to high-level sewer. Res. 1898, chap. 4.

² Appropriation for expenditures authorized under Resolves 1893, chap. 81.

APPENDIX No. 2.

APPROPRIATIONS FOR METROPOLITAN WATER WORKS.

	CONSTRUCTION.
Metropolitan Water System,	\$27,000,000 made by Acts 1895, chap. 488
Additional loan,	13,000,000 made by Acts 1901, chap. 453
Additional loan,	500,000 made by Acts 1906, chap. 367
Special appropriations:	
Power Plant, Wachusett Dam,	398,000 made by Acts 1908, chap. 558
48-inch main, Chestnut Hill to Boston,	}
Arlington pumping station,	}
Improvement of Wachusett watershed, etc.,	}
Special appropriation:	
60-inch main from Weston Aqueduct,	900,000 made by Acts 1909, chap. 320
Pumping machinery, Chestnut Hill,	}
Improvement of Wachusett watershed,	}
New main to Winthrop,	}
Special appropriation:	
36-inch main for East Boston,	80,000 made by Acts 1910, chap. 291
Extension of high service in Arlington and Lexington,	}
Special appropriation:	
Extension of southern high service to Hyde Park,	212,000 made by Acts 1911, chap. 464
Special appropriation:	
For purchase of Fisher Hill Reservoir and main water pipes,	600,000 made by Acts 1912, chap. 694
Special appropriation:	
Lowering water mains in Chelsea Creek,	75,000 made by Acts 1913, chap. 755
Special appropriation:	
Improvement of Beaver Dam Brook,	33,000 made by Acts 1913, chap. 814

APPENDIX No. 3.

ACTS AND RESOLVES IN WHOLE OR IN PART, CONTAINED IN THIS VOLUME.

	Year.	Chapter.	PAGE
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Acts	1890	94 As to payment of bonds, etc., in gold,	S 70
Acts	1890	270 Authorizing purchase, etc., of easements,	S 70
Acts	1891	192 As to disposition of forfeited money,	S 72
Acts	1892	251 Authorizing sale of real and personal property,	S 72
Acts	1894	307 Appropriation for construction expenses,	S 73
Acts	1895	294 Appropriation for construction expenses,	S 77
Acts	1895	406 Neponset River Valley Act,	S 81
Acts	1895	488 Metropolitan Water Act,	W 5
Acts	1896	414 First Wakefield extension,	S 89
Acts	1896	436 Provision for additional payment to Boylston,	W 30
Acts	1896	450 Provision for compensation to employees in West Boylston,	W 31
Acts	1896	490 As to duties and authority of Attorney-General,	W 32
Acts	1897	80 As to extension in Milton,	S 93
Acts	1897	83 Appropriation for construction expenses,	S 94
Acts	1897	88 Extra \$5,000 for Wakefield extension,	S 97
Acts	1897	336 Regulating price charged by water companies,	W 33
Acts	1897	339 As to bond against pauper employees,	W 35
Acts	1897	369 As to Milton Water Company,	W 35
Acts	1897	436 Additional Stoneham outlet,	S 99
Acts	1897	445 Compensation to Sterling,	W 36
Acts	1897	456 As to payments for water from Nashua River,	W 37
Acts	1897	467 As to compensation to Boylston and West Boylston for loss of taxes,	W 38
Acts	1897	473 As to water supply of Stoneham,	W 41
Acts	1897	502 As to discharge of sewage into Boston sewers,	S 101
Acts	1897	520 Lexington extension,	S 103
Acts	1898	166 Authorizing agreements with park commissions,	W 41
Acts	1898	180 Appropriation for construction expenses, Neponset River Valley Sewer,	S 107
Acts	1898	215 Additional Everett outlet,	S 111
Acts	1898	293 As to water supply of Swampscott,	W 42
Acts	1898	295 As to water supply of Winthrop,	W 43
Acts	1898	392 Certain cities to acquire works of water companies,	W 44
Acts	1898	424 Appropriation for construction expenses, North Metropolitan Sewerage System,	S 113
Acts	1898	464 Authorizing exchange of real estate,	W 46
Acts	1898	551 As to damage to business in Boylston,	W 46
Acts	1898	557 Clinton Sewage Plant Act,	W 47

Year.	Chapter.	PAGE
Resolves 1898	4 Report on High-level Sewer authorized,	S 117
Acts 1899	122 Consolidation of sinking funds,	S 119
Acts 1899	195 Agreements as to Somerville parkway authorized,	W 51
Acts 1899	241 Appropriation for expenses of construction, Neponset River Valley Sewer,	S 120
Acts 1899	308 As to damage cases brought by cities and towns,	W 52
Acts 1899	308 As to notice of orders, rules, etc., of State Board of Health,	W 54
Acts 1899	342 Time of filing petitions extended to July 1, 1901,	W 55
Acts 1899	349 Particularly defining towns, etc., to acquire works of water companies,	W 56
Acts 1899	424 High-level Sewer Act,	S 123
Acts 1899	480 Payment to Ashland in lieu of taxes,	W 58
Acts 1900	108 Time of filing petitions extended, to offers of surrender, etc.,	W 58
Acts 1900	172 Second Wakefield extension,	S 132
Acts 1900	184 Additional outlet for Chelsea and Everett,	S 136
Acts 1900	340 As to rules and regulations of Metropolitan Park Commission,	W 60
Acts 1900	375 As to construction of Weston Aqueduct and Reservoir,	W 61
Acts 1900	484 As to Watertown Siphon,	S 139
Acts 1901	168 Metropolitan Water and Sewerage Board created,	141
Acts 1901	204 Additional sewerage facilities for Newton and Brookline,	142
Acts 1901	313 Authorizing temporary taking of water by cities and towns,	145
Acts 1901	442 Relative to bonds against pauper labor,	146
Acts 1901	453 Metropolitan Water Loan increased,	147
Acts 1901	489 Annual assessments to cities and towns changed,	147
Acts 1901	498 Time of filing petitions extended to July 1, 1904,	149
Acts 1901	505 As to damages to business in Clinton,	150
Acts 1901	509 Improvement of Cochituate Water Basin,	151
Acts 1901	513 As to advances to Board's auditor,	152
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Resolves 1901	101 Relative to compensation to Clinton, Sterling and Holden,	153
Acts 1902	101 Time of taking for sewerage works fixed,	154
Acts 1902	189 Relative to water furnished to water companies,	155
Acts 1902	307 As to Milton water supply,	155
Acts 1902	351 Increase of Worcester water supply within Nashua watershed,	156
Acts 1902	391 Report on measurement of water supplied cities and towns,	159
Acts 1902	392 Increase of Natick water supply from Lake Cochituate,	160
Acts 1902	480 Newton authorized to lay sewers, etc., in Reservoir Lane,	161
Acts 1902	488 As to Wakefield water supply,	162
Acts 1902	535 As to construction of sewerage works for certain tanneries, etc.,	165
Resolves 1902	112 Report as to Spot Pond Brook authorized,	165
Acts 1903	161 Relative to general laws as to water supplies,	166
Acts 1903	242 Revere extension,	168
Acts 1903	315 Appropriation for construction expenses, Neponset River Valley Sewer,	171
Acts 1903	327 As to improvement of Alewife and Wellington brooks and Little River,	172
Acts 1903	336 Additional outlet for Belmont,	173
Acts 1903	356 Appropriation for construction expenses, High-level Sewer,	175
Acts 1903	383 Relative to separate system of drainage,	175

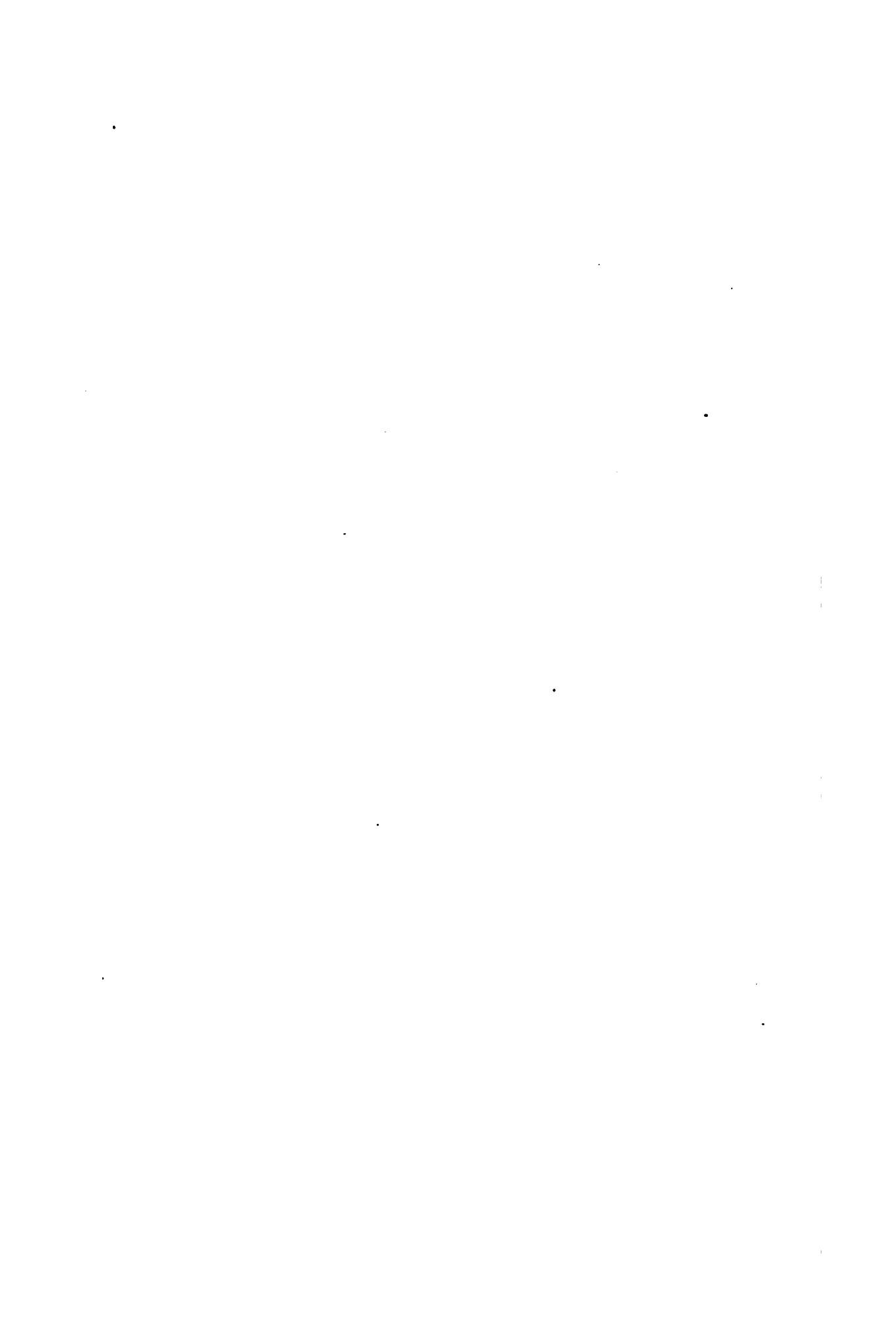
Year.	Chapter.	PAGE
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Acts 1903	443 Marlborough to build sewer to protect water supply,	177
Resolves 1903	41 Time extended, for report on quantity of water furnished,	178
Resolves 1903	105 Time extended, for report on improvement of Spot Pond Brook,	179
Acts 1904	30 Appropriation for printing and binding Annual Report of Board,	179
Acts 1904	186 Time extended, for filing petitions for damages,	180
Acts 1904	230 Board authorized to determine lines and grades of High-level Sewer,	181
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Acts 1904	273 Authorizing laying of water mains under or over tide-water,	182
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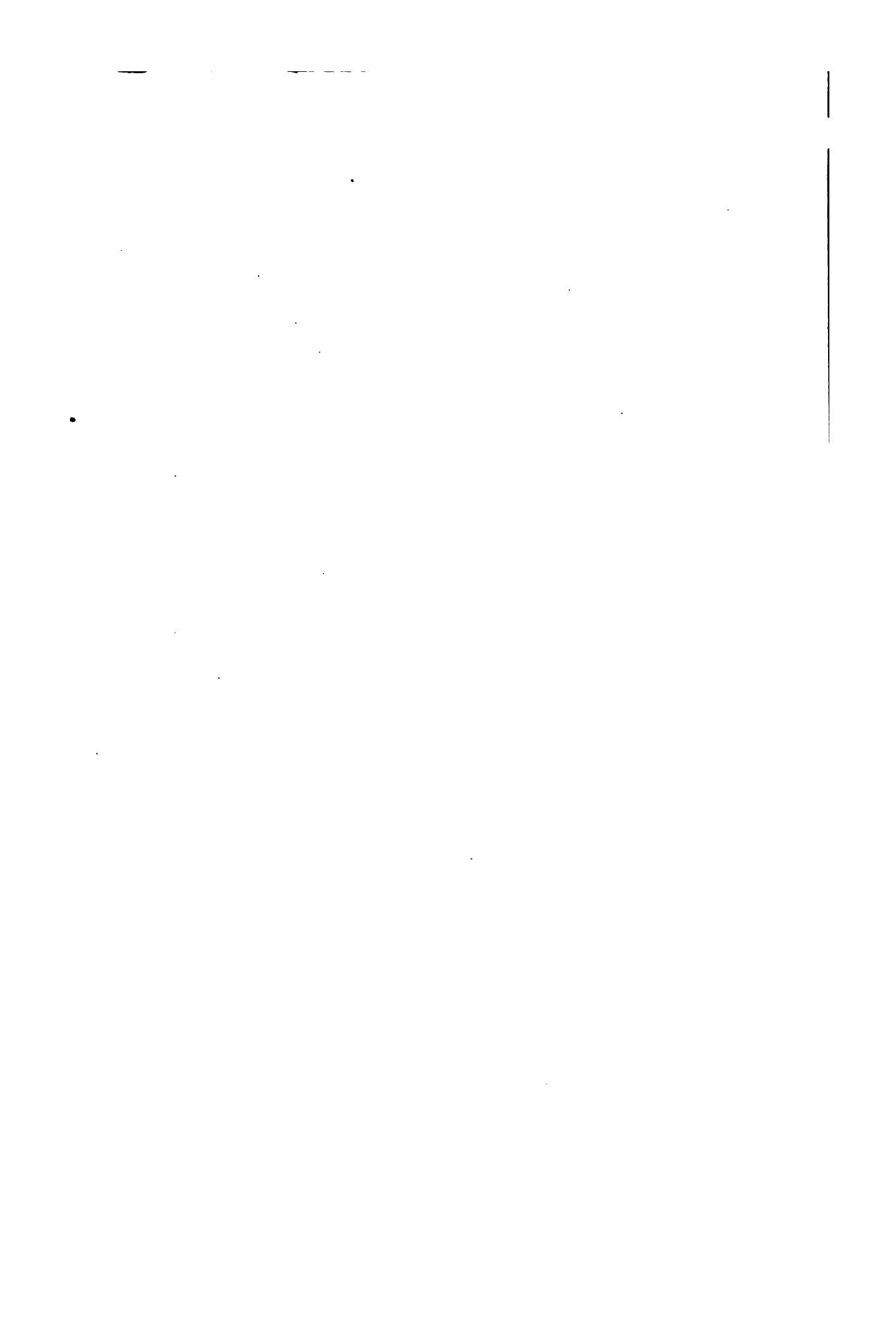
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